

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

-----+  
IN THE MATTER OF: |  
 | Case Nos.  
APPLICATION OF | 01-20CP  
GEORGE WASHINGTON UNIVERSITY | 01-21CP  
 |  
-----+

Thursday,  
December 6, 2001

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

ZONING COMMISSIONERS PRESENT:

Carol Mitten Chairperson  
Anthony Hood Vice Chairperson  
James Hannaham Commissioner  
Peter May Commissioner  
John Parsons Commissioner

COMMISSION STAFF PRESENT:

Alberto Bastida Secretary to the Commission  
Sharon Sanchez Zoning Specialist

OTHER AGENCY STAFF PRESENT:

John Fondersmith Office of Planning  
Ellen McCarthy Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Marge Nagelhout, Esq. Corporation Counsel

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrross.com

## C-O-N-T-E-N-T-S

<u>AGENDA ITEM</u>	<u>PAGE</u>
PRELIMINARY MATTERS . . . . .	4
<u>APPLICATION OF GEORGE WASHINGTON</u>	
<u>UNIVERSITY</u>	
<u>01-20CP</u> <u>ANC-2A</u>	
<u>01-21CP</u> <u>ANC-2A</u>	
 JERRY A. MOORE, ESQ. . . . .	 22
ARTER & HADDEN, LLP	
1801 K Street, N.W.	
Suite 400	
Washington, D.C. 20006-1301	
(202) 775-7100	
 JONATHAN L. FARMER, ESQ. . . . .	 118
WILKES, ARTIS, CHARTERED	
1666 K Street, N.W.	
Washington, D.C. 20006-2597	
(202) 457-7800	
 <u>WITNESSES:</u>	
Charles Barber . . . . .	28
Linda Donnels . . . . .	34
Barry Goldfarb . . . . .	35
Steven Kleinrock . . . . .	47
Louis Slade . . . . .	52
Byron Wills . . . . .	56
John Fondersmith . . . . .	86
Elizabeth Elliot . . . . .	91
Donald Kreuzer . . . . .	120
Outerbridge Horsey . . . . .	125
Barbara Mollohan . . . . .	134
Rosemary Jarvis . . . . .	137
Marilyn Rubin . . . . .	140
Dorothy Miller . . . . .	147
Barbara Spillinger . . . . .	151

P-R-O-C-E-E-D-I-N-G-S

(6:30 p.m.)

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a public hearing of the Zoning commission of the District of Columbia for Thursday, December 6, 2001. My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioners Peter May, John Parsons, and James Hannaham.

Notices of today's hearings were published in the D.C. Register on October 5, 2001, and in the Washington Times on October 19<sup>th</sup>, 2001. This consolidated hearing will be conducted in accordance with the provisions of 11 DCMR ? 3117. Those provisions are the hearing procedures for the BZA, which currently apply to special exception review by the Zoning Commission for campus plans.

The subjects of this evening hearing are the Zoning Commission Case No. 01-20CP and 01-21CP. They are the requests by the George Washington University for special exceptions for further processing, pursuant to an approved campus plan to authorize construction and use of two new dormitories at 607 and 616 23<sup>rd</sup> Street N.W. respectively.

Copies of the hearing announcement are available to you and are located near the door to my left. We will hear Case No. 01-20CP and 01-21CP concurrently. So if you have testimony about both of them, just take them in sequence, but we

1 won't have a separate round of testimony on each one.

2 The order procedure for each case will be as  
3 follows, or for both cases will be as follows: Preliminary  
4 Matters first, followed by the presentation of the applicant's  
5 case, report by the Office of Planning, reports of other  
6 agencies, report of the Advisory Neighborhood Commission, in  
7 this case it's 2A, parties and persons in support, parties and  
8 persons in opposition, and finally rebuttal by the applicant.

9 The following time constraints will be maintained  
10 in this hearing: the applicant will have one hour, parties will  
11 have fifteen minutes, organizations will have five minutes, and  
12 individuals will have three minutes, and we'll allow some  
13 flexibility if people want to testify about both, since we have  
14 two cases and we don't want ? we want to give ample time for  
15 people to address each case.

16 We intend to adhere to these time limits as  
17 strictly as possible in order to hear the case in a reasonable  
18 period of time with the flexibility I mentioned. We reserve the  
19 right to change the time limits for presentations if necessary,  
20 and I note that no time will be seeded. All persons appearing  
21 before the commission are to fill out two witness cards. These  
22 cards are located on the table at the door.

23 Upon coming forward to speak to the commission,  
24 please give both cards to the reporter sitting to my right, and  
25 I believe there's a sign-up sheet near the door. There's room

1 for your name and whether you're a proponent or opponent, and if  
2 you represent an organization, please list that as well.

3 The decision of the commission in this case must  
4 be based exclusively on the public record. To avoid any  
5 appearance to the contrary, the commission requests that persons  
6 present not engage the members of the commission in conversation  
7 during a recess or at any other time. The staff will be  
8 available throughout the hearing to discuss procedural  
9 questions.

10 Please turn off all beepers and cell phones at  
11 this time so as not to disrupt these proceedings. At this time,  
12 the commission will consider any preliminary matters. Mr.  
13 Bastida, do you have any preliminary matters?

14 MR. BASTIDA: Yes, the staff has a Preliminary  
15 Matter. The applicant has assured me that, in fact, the posting  
16 has been maintained and I will believe their word, and I would  
17 say that the ?

18 CHAIRPERSON MITTEN: Could you speak up a little  
19 bit more Mr. Bastida.

20 MR. BASTIDA: Sure. The applicant has not  
21 provided written assurance of the maintenance of posting. The  
22 applicant has proffered that, in fact, it has been done. I  
23 would believe his word that the posting has been maintained. I  
24 only would request from the commission that they leave the  
25 record open for the applicant to be able to submit that

1 information after the hearing.

2 CHAIRPERSON MITTEN: Okay.

3 MR. BASTIDA: And the staff has no other  
4 Preliminary Matters.

5 CHAIRPERSON MITTEN: All right. We have requests  
6 for Party Status from three individuals, and I'd like to take up  
7 the two first that were filed timely, one for Robin Migol.  
8 Pardon me if I pronounced that. And one for Marilyn Minolo.  
9 These are two individuals who live in the Remington, which is a  
10 condominium building adjacent to the proposed dormitory on  
11 Square 43.

12 Based on the requirements for Party Status and  
13 the unique relationship that an individual should have relative  
14 to the property that's the subject of the hearing, two  
15 individuals from a condominium building that has, I think, in  
16 excess of 50 units I don't believe meet the requirement because  
17 there's numerous individuals who have the same relationship to  
18 the property in question. Any thoughts by the commission?

19 COMMISSIONER PARSONS: I agree with your remarks.

20 CHAIRPERSON MITTEN: Would you care to phrase a  
21 motion as it relates to granting party status to these two  
22 individuals?

23 COMMISSIONER PARSONS: Yes, I would move that we  
24 deny the request for Party Status to Robin Migol, and I don't  
25 have the other one ? and Marilyn Minolo.

1 CHAIRPERSON MITTEN: Is there a second?

2 COMMISSIONER HOOD: Second.

3 CHAIRPERSON MITTEN: We have a motion and a second  
4 to deny Party Status to Marilyn Minolo and Robin Migol. All  
5 those in favor, please say aye.

6 Chorus of ayes.

7 CHAIRPERSON MITTEN: Those opposed, please say no.  
8 Mr. Bastida.

9 MR. BASTIDA: Madam Chairman, the staff will  
10 record the vote 5-0, Mr. Parsons moving, Mr. Hood seconding, Mr.  
11 May and Mr. Hannaham voting in the affirmative and Ms. Mitten  
12 also voting in the affirmative. Thank you.

13 CHAIRPERSON MITTEN: Thank you. Now we have a  
14 request that was filed yesterday in the Office of Zoning for  
15 Party Status for Dr. Kreuzer who owns the three properties in  
16 Square 43 what are improved with the townhouses at the corner of  
17 23<sup>rd</sup> and Virginia Avenue. I'll ask Mr. Moore, do you have any  
18 objection to us waving the rule to entertain Dr. Kreuzer's  
19 request for Party Status? Okay, we have no objection from the  
20 applicant to entertain Dr. Kreuzer's request for party status  
21 despite the late filing.

22 VICE CHAIRPERSON HOOD: Madam Chair, I'm just  
23 trying to see if Dr. Kreuzer is asking for Party Status, I guess  
24 ?

25 CHAIRPERSON MITTEN: He's asking for Party Status

1 specifically in Case No. 01-21CP.

2 VICE CHAIRPERSON HOOD: Which is Square 43.

3 CHAIRPERSON MITTEN: Yes.

4 VICE CHAIRPERSON HOOD: Okay. I would make a  
5 motion that we grant Mr. Kreuzer Party Status. I guess first,  
6 we need to waive our rules.

7 CHAIRPERSON MITTEN: Is there any objection to  
8 waiving the rules for the late filing of Dr. Kreuzer's request?

9 MR. MOORE: No objection.

10 CHAIRPERSON MITTEN: Okay, without objection.

11 VICE CHAIRPERSON HOOD: I would make the motion  
12 that we grant Mr. Kreuzer Party Status. According to his  
13 submission, he is definitely affected, his property, of his  
14 location of his property in Square 43.

15 COMMISSIONER PARSONS: Madam Chair, we have an  
16 exhibit before us that was prepared by the Office of Planning,  
17 and I wonder if Mr. Fondersmith could show us on this aerial  
18 photograph where these three houses are, three lots.

19 MR. FONDERSMITH: I'd be glad to.

20 CHAIRPERSON MITTEN: Let the record reflect that  
21 Mr. Fondersmith is bringing forward an ortho map. Is that what  
22 you call it?

23 MR. FONDERSMITH: Yes.

24 CHAIRPERSON MITTEN: An ortho map and he is  
25 pointing to Square 43.



1 MR. FONDERSMITH: 43 and the GW, George Washington  
2 University property is shown in blue, and I should say that this  
3 is a 1999 ortho. So that some of the buildings that you see  
4 there are no longer there. All the buildings on the GW  
5 University property have been demolished, and Dr. Kreuzer's  
6 properties are the three buildings at the corner of 23<sup>rd</sup> Street  
7 and Virginia Avenue.

8 CHAIRPERSON MITTEN: That's all we need right now.  
9 Thank you. Was there a second for Mr. Hood's motion?

10 COMMISSIONER MAY: Second.

11 CHAIRPERSON MITTEN: We have a motion and a second  
12 to grant Party Status to Dr. Kreuzer. All those in favor,  
13 please say aye.

14 Chorus of ayes.

15 CHAIRPERSON MITTEN: Those opposed, please say no.  
16 Mr. Bastida.

17 MR. BASTIDA: Madam Chairman, the staff will  
18 record the vote 5-0, Mr. Hood moving and Mr. May seconding. Ms.  
19 Mitten, Mr. Hood ? I mean Ms. Mitten, Mr. Hannaham, and Mr.  
20 Parsons voting in the affirmative. That concludes this part of  
21 the hearing. The staff would like to bring a Preliminary Matter  
22 that has been brought to his attention.

23 CHAIRPERSON MITTEN: All right.

24 MR. BASTIDA: Ms. Dorothy Miller has advised me  
25 that she filed a party status request in a timely fashion. It

1 is not in the file. I would tend to believe what she has  
2 stated. I don't know the reasons why it's not in the file. I  
3 would like to see if the commission would entertain that motion.

4 CHAIRPERSON MITTEN: Well, we'll have to ask Ms.  
5 Miller to come forward and make her case for Party Status, and  
6 on whose behalf are you making the request?

7 MS. MILLER: I'm making it on behalf of the people  
8 I represent. This is right across from Columbia Plaza.

9 CHAIRPERSON MITTEN: Who are the people that you  
10 represent? State your name and your position for the record.

11 MS. MILLER: I'm Dorothy Miller and I'm Vice  
12 President of the Columbia Plaza Tenants Association. I'm also  
13 their ANC Commissioner, and under the new redistricting, this  
14 will be in my single member district, and I did file it. I  
15 filed it for both cases and I filed it a good time ago, and why  
16 it's not in the file, I don't know. And I said because this  
17 being directly across from where I live and the people that I  
18 will be representing and represent, I would like to ?

19 CHAIRPERSON MITTEN: So do you want Party Status?

20 MS. MILLER: I would like to be a Party.

21 CHAIRPERSON MITTEN: To represent ANC-2A-05?

22 MS. MILLER: Correct.

23 CHAIRPERSON MITTEN: Okay. Could you show us the  
24 boundaries, or tell us the boundaries of ANC-2A-05?

25 MS. MILLER: It goes from 24<sup>th</sup> Street down to 15<sup>th</sup>

1 Street to the Virginia Shore Line and up to Pennsylvania Avenue.

2 In the new districting, I will go over to St. Mary's Court  
3 which is the 2500 block of 24<sup>th</sup> Street, which will include  
4 Square 43.

5 CHAIRPERSON MITTEN: And how will the members of  
6 your single member district be more uniquely affected than the  
7 general public?

8 MS. MILLER: Because right now, we're so badly  
9 affected by the 2,000 students we have living in the building,  
10 and to have another 1,000 across the street would be almost  
11 unacceptable. And everybody in the group and in the apartment  
12 and the people from my apartment building will be testifying  
13 tonight. The chair will testify on behalf of the tenants.

14 CHAIRPERSON MITTEN: Could you be more specific  
15 about what kinds of impacts you're anticipating, because that's  
16 ? just to state students doesn't ?

17 MS. MILLER: I'll give you an example. This is  
18 the underpass. They put a metal fence up to keep the students  
19 from going across the street. They took saws and took out the  
20 middle parts so they could cross the street and they crawl  
21 through the hole in the fence and go across the street. Now  
22 that's the type of thing that really is too dangerous.

23 CHAIRPERSON MITTEN: Did you bring a copy of your  
24 request for Party Status with you?

25 MS. MILLER: Amazingly, that's the only thing I

1 didn't bring, but I do have it and it was filed and they know it  
2 was filed.

3 CHAIRPERSON MITTEN: Okay, Mr. Moore.

4 MR. MOORE: Applicant takes no position with  
5 respect to this request of Ms. Miller.

6 CHAIRPERSON MITTEN: Okay, well then I'll leave it  
7 up to the members of the commission.

8 VICE CHAIRPERSON HOOD: I'm trying to understand.  
9 Is Ms. Miller ? maybe I'm missing it. Is she representing ?  
10 she's going to represent her single member district which is, in  
11 fact when the redistricting comes into effect, this will be in  
12 your single member district.

13 MS. MILLER: Absolutely. It will be included in  
14 my single member district.

15 CHAIRPERSON MITTEN: But it's not currently  
16 included, is that correct? Or it is currently included?

17 MS. MILLER: Well, it's across the street. I  
18 mean, you know.

19 VICE CHAIRPERSON HOOD: It's across the street,  
20 okay.

21 MS. MILLER: It's practically there.

22 COMMISSIONER PARSONS: I'm a little confused here.  
23 The ANC is a party in this case.

24 MS. MILLER: That is correct.

25 COMMISSIONER PARSONS: The record shows you voted

1 for their ? in favor of their position.

2 MS. MILLER: That is correct.

3 COMMISSIONER PARSONS: So are you here as a party  
4 in opposition?

5 MS. MILLER: That is correct.

6 COMMISSIONER PARSONS: Even though you voted to  
7 support ? or not to object I guess is the word.

8 MS. MILLER: I'm in opposition to the application  
9 as it's filed. I'm not in opposition to the position of the  
10 ANC, but there's a lot more problems in my area that the ANC  
11 covers a much larger area.

12 COMMISSIONER PARSONS: I'm curious as to why you  
13 voted for the ANC measure if you're that opposed to the project?

14 MS. MILLER: I don't understand what you're  
15 saying.

16 COMMISSIONER PARSONS: Well, we have a record of  
17 the ANC's action here.

18 MS. MILLER: Right.

19 COMMISSIONER PARSONS: And you voted for their ?

20 MS. MILLER: Position.

21 COMMISSIONER PARSONS: ? position.

22 MS. MILLER: That's correct, but you can cross-  
23 examine as a party to the case. You can file if you're not  
24 pleased with the way the case goes and you can take it to court.  
25 Now you can't do that if you're not a party to the case.

1 COMMISSIONER PARSONS: I understand that. So who  
2 is going to represent the ANC here tonight?

3 MS. MILLER: The chair is representing ANC-2A.  
4 I'm representing ANC-2A-05.

5 COMMISSIONER PARSONS: So are you here seeking  
6 party status as President of the Columbia Plaza?

7 MS. MILLER: I'm Vice Chair of Columbia Plaza  
8 Tenants Association, as well as their ANC Commissioner.

9 COMMISSIONER PARSONS: Well it seems to me you're  
10 in a better position to characterize yourself as Vice President  
11 of an affected organization rather than the ANC.

12 MS. MILLER: Well the chair is testifying tonight  
13 too. We had a meeting and the tenants took a position and she  
14 will be testifying tonight too, but she's not asking for party  
15 status. But on behalf of the tenants, I would like to ask for  
16 party status for myself. But I had filed as ANC-2A-05 because I  
17 found out if you're in the ANC and you don't file for party  
18 status, when you move on, you can't take any action. But once  
19 you've gained your party status, you can take action if you  
20 don't like the outcome and if things don't go right.

21 MR. MOORE: Madam Chair, I would just note for the  
22 record that there's no authorization from Columbia Plaza  
23 authorizing Ms. Miller to speak on its behalf.

24 MR. BASTIDA: Can you speak up please?

25 MR. MOORE: I would just like to note for the

1 record that there is no authorization in the record from the  
2 Columbia Plaza Citizens Association, authorizing Ms. Miller to  
3 speak on its behalf.

4 MS. MILLER: That is true in this case, but it's  
5 been filed previously because I testified for them for the last  
6 ten years.

7 CHAIRPERSON MITTEN: Okay, thank you.

8 MS. MILLER: Mr. Quinn saw that.

9 CHAIRPERSON MITTEN: Right, we're going to have  
10 you go back to your seat now and we'll just decide this. I  
11 think that given the orientation of the fact that ? I mean if  
12 we're going ? depending on how we want to take this up ANC ?  
13 these properties are not located in ANC-2A-05.

14 Columbia Plaza, I think, given that we're going  
15 to hear testimony from the President of the Tenants Association  
16 and there is no specific authorization in the record as it  
17 relates to this case, because I believe the authorization has to  
18 be case specific, I would recommend that we deny Ms. Miller  
19 party status in this case, and that the ANC will more than  
20 sufficiently represent the individuals that Ms. Miller  
21 represents.

22 VICE CHAIRPERSON HOOD: My concern, Madam Chair,  
23 is that eventually this will become part of that single member  
24 district. But on the other hand, there is another mechanism for  
25 Ms. Miller to be able to address her questions through her ANC,

1 so I will concur with you, Madam Chair.

2 CHAIRPERSON MITTEN: Is that a second?

3 VICE CHAIRPERSON HOOD: Oh, you made a motion?

4 CHAIRPERSON MITTEN: I did.

5 VICE CHAIRPERSON HOOD: Oh, I'm sorry. I'll  
6 second.

7 CHAIRPERSON MITTEN: Any further discussion? We  
8 have a motion and a second to deny party status to Ms. Miller.  
9 All those in favor, please say aye.

10 Chorus of ayes. Those opposed, please say no.  
11 Mr. Bastida.

12 MR. BASTIDA: The staff will record the vote 5-0,  
13 Ms. Mitten moving and Mr. Hood seconding, Mr. May, Parsons, and  
14 Hannaham voting in the affirmative. Thank you.

15 CHAIRPERSON MITTEN: Thank you. I did also want  
16 to just ask, Mr. Bastida we have a letter in the file from St.  
17 Mary's Episcopal Church that believes they should have received  
18 notice but did not. Can you speak to that?

19 MR. BASTIDA: Madam Chair, we did a preliminary  
20 review, but I would like the ? and it was not included in the  
21 200-feet radius that the applicant provided for notice. I would  
22 like the applicant to address that matter.

23 MR. MOORE: If the St. Mary's Church was not  
24 included within the 200 feet that and it's not within 200 feet  
25 according to our calculations. Thank you.



1 CHAIRPERSON MITTEN: So the reason, what I'm  
2 taking from what's being said is they didn't receive notice  
3 because they weren't within the 200 feet, the 200-foot radius?  
4 Is there any question in your mind, Mr. Bastida, about that?

5 MR. BASTIDA: I would tend to agree, but I am 95  
6 percent sure of it. But I am not 100 percent. I didn't have  
7 the ?

8 CHAIRPERSON MITTEN: Can we do something about  
9 verifying that then?

10 MR. BASTIDA: In order to 100 percent, I would  
11 have to DCRA and pull out their program that, in fact, assures  
12 me of that rather than relying on a scale. That is what I did.

13 CHAIRPERSON MITTEN: I see. Well I think we owe  
14 it to the church. I mean they're close by and if there's some  
15 doubt about whether or not they're within the required radius  
16 for notice, we should make the extra effort to determine if, in  
17 fact, they are.

18 MR. BASTIDA: I intend to do that tomorrow, Madam  
19 Chairman. I intend to go to DCRA and make that determination.

20 CHAIRPERSON MITTEN: All right.

21 MR. BASTIDA: In the meantime, I might suggest  
22 that you might leave the record open for them to file whatever  
23 they would like to file if we are notified that they were within  
24 the 200-foot radius.

25 CHAIRPERSON MITTEN: All right. Thank you.

1 MR. BASTIDA: Thank you.

2 CHAIRPERSON MITTEN: Mr. Moore, did you have any  
3 preliminary matters?

4 MR. MOORE: No ma'am I didn't.

5 CHAIRPERSON MITTEN: All right. Now we'll have  
6 all the individuals wishing to testify this evening, please rise  
7 to take the oath. Mr. Bastida.

8 (Witnesses sworn.)

9 MR. BASTIDA: Thank you.

10 CHAIRPERSON MITTEN: Mr. Moore, do you think an  
11 hour is going to be sufficient for you to present your case?

12 MR. MOORE: I hope so.

13 CHAIRPERSON MITTEN: That will be our target.

14 MR. MOORE: For our presentation?

15 CHAIRPERSON MITTEN: Right.

16 MR. MOORE: Yes. Yes. Even though these are two  
17 cases, we sought to put them together efficiently and most of it  
18 should be in the record.

19 CHAIRPERSON MITTEN: And we've read your  
20 submission, so anything that you would like to convey by way of  
21 summary would be fine with us. And please either move the mike  
22 forward or speak up a little bit.

23 MR. MOORE: All right. Thank you. Good evening,  
24 Madam Chairperson, members of the commission. I'm Jerry Moore  
25 of the law firm of Arter & Hadden, appearing this evening as

1 counsel to the George Washington University.

2 There are two applications before you today. For  
3 purposes of this hearing, we've asked and the commission has  
4 consented that these applications be heard concurrently, but  
5 each decided on its own merits, one not tied to the other.

6 The applicant hereby requests that both projects  
7 be approved to proceed at the earliest practicable date. The  
8 first application requests special exception relief, pursuant to  
9 ? 210 and subsection 3104.4 of the Zoning Regulations for  
10 further processing, pursuant to an approved campus plan to  
11 authorize the construction and use of a new university dormitory  
12 on the campus of the George Washington University on Square 43.

13 Application No. 01-20CP requests special  
14 exception relief pursuant to ? 210 and subsection 3104.1 for  
15 further processing, pursuant to an approved campus plan to  
16 authorize the construction and use of another student dormitory  
17 on the university's campus on Square 57.

18 The George Washington University property on  
19 Square 43 is included within the university's campus boundary,  
20 is presently vacant, and is an ideal and timely place to  
21 increase the university's inventory of on-campus student  
22 housing.

23 Square 57 is owned in its entirety by the  
24 university and is also within the approved campus boundary. The  
25 site of the dormitory proposed here is currently used as a

1 surface parking lot and lies adjacent to the Charles Smith  
2 Athletic Center.

3 Increasing the number of on-campus student beds  
4 is, of course, the clear directive of the Board of Zoning  
5 Adjustment in its order approving the university's campus plan.

6 It also seems clear that such will be the directive of the BZA  
7 in its Remand Order, which is still pending.

8 So you will hear abundant and expert testimony  
9 this evening detailing the architectural and operational aspects  
10 of both facilities and documentations of the consistency of  
11 these projects with the university's approved campus plan for  
12 the Year 2000 through the Year 2010.

13 We're pleased to note that the DC Office of  
14 Planning and the DC Department of Public Works are among those  
15 who have and will present evidence in support of both dormitory  
16 facilities. From a legal perspective, the proposed dormitory  
17 structures and uses are consistent with the District of  
18 Columbia's comprehensive plan, generalized land-use maps which  
19 designate and promote both sites for institutional uses.

20 The proposed buildings and uses are also  
21 consistent with the underlying R-5-D Zone District, which is  
22 mapped over the entire squares and throughout much of the  
23 neighborhood. As you know, a university use is permitted in the  
24 R-5-D District, with a special exception approval of this  
25 commission.

1 Both dormitories fit within the permitted zoning  
2 authority as to use, bulk and height. So only a special  
3 exception as to impact is needed to authorize the university to  
4 proceed with these on-campus facilities.

5 From a procedural perspective, the commission  
6 should be aware that the university has twice presented the  
7 plans before you to the senior staff of the Commission on Fine  
8 Arts. The architecture that the university now proposes has  
9 incorporated that staff's comments.

10 Accordingly, we believe it likely that the Fine  
11 Arts Commission itself will recommend favorably on these plans  
12 for both dormitories when such are formally brought before it,  
13 probably in January of 2002.

14 The dormitory cases consist of five themes, which  
15 in some we offer sufficient bases to merit the approval of the  
16 special exception zoning relief that is requested.

17 First, the uses proposed are in direct response  
18 and in consistency with the board's directive that the  
19 university immediately begin creating substantially more housing  
20 for its full-time undergraduate students at on-campus locations.

21 Second, these are medium to high-density  
22 residential projects in a medium to high-density zoned district.

23 Third, the proposed uses consistent with the  
24 university's mission to provide first-rate housing  
25 accommodations to its students at reasonable locations that are

1 convenient.

2 Fourth, the university has commissioned a traffic  
3 analysis, which resolves the traffic and parking issues  
4 associated with the campus plan and the projected traffic and  
5 parking-related experiences that will occur if these  
6 applications are approved.

7 Fifth, the approval of this plan will not  
8 adversely affect the use and enjoyment of neighboring properties  
9 because of noise or traffic, number of students, or faculty and  
10 that there is sufficient off-street parking to meet the  
11 requirements of the approved campus plan.

12 We're hopeful today that your decisions will also  
13 be made easier by the detailed land-use and planning discussions  
14 that have already been submitted. The written analysis will be  
15 supplemented and highlighted by the testimony and the exhibits  
16 that you will hear and see this evening.

17 Some of the technical evidence will be offered by  
18 persons who the commission has recognized as experts in their  
19 fields in previous cases. We've endeavored to organize our  
20 presenters in a logical and efficient manner.

21 First, Mr. Charles Barber, Senior Counsel to the  
22 George Washington University will speak to the university's need  
23 for housing in the context of its approved campus plan, to the  
24 efforts of the university to seek and obtain community support,  
25 and to the compliance of these applications to the conditions

1 that were set forth in the BZA Order that approves the campus  
2 plan.

3 Next, Mrs. Linda Donnels, the university's Dean  
4 of Students, will discuss these housing projects in the context  
5 of the university's operation of on-campus housing and speak to  
6 the affinity housing concept that is proposed on Square 57.

7 Third, architects Barry Goldfarb of Ayers Saint  
8 Gross, and Steven Kleinrock of Einhorn, Yaffee & Prescott will  
9 in turn present each dormitory's elevations, floor plans,  
10 landscaping plans, a description of the building's architecture  
11 and design and a commentary on the contextual relationship of  
12 each dormitory's design with other university buildings and with  
13 a special street status of 23<sup>rd</sup> Street.

14 Fourth, I think the commission is familiar with  
15 Louis Slade of Gorow Slade (phonetic) and Associates, which has  
16 undertaken the traffic and transportation analysis of the area  
17 in the context of the proposed dormitory buildings.

18 Mr. Slade has been accepted as an expert witness  
19 by this commission on numerous occasions. He is ably joined by  
20 Mr. Byron Wills, the university's Parking Manager. Gorow  
21 Slade's report is in the record, but for your convenience, Mr.  
22 Slade will highlight his findings and conclusions in testimony  
23 this evening.

24 We trust that you will find that our evidence to  
25 be substantial, efficiently presented, and persuasive. First

1 then, I will call on Mr. Barber to testify if there are no  
2 questions. Thank you. Mr. Barber.

3 CHAIRPERSON MITTEN: We'll just proceed straight  
4 through and then ask our questions at the end.

5 MR. MOORE: I see.

6 BY MR. MOORE:

7 Q Sir, would you give your name for the  
8 record, please?

9 A Charles K. Barber.

10 Q And are you employed, sir?

11 A I'd like to think so. Yes, I am.

12 Q And how are you employed?

13 A I'm Senior Counsel of George Washington  
14 University.

15 Q And you're familiar with this  
16 application?

17 A Yes, I am.

18 Q Have you prepared testimony in support  
19 of that application?

20 A Yes, I have.

21 Q Would you share it with the commission  
22 sir?

23 A Thank you.

24 MR. BARBER: Good evening, Madam Chair, members of  
25 the Zoning Commission. I'm pleased to be here on behalf of



1 George Washington University. The housing projects before you  
2 are a direct result of the university's desire to provide more  
3 on-campus housing for its students in facilities it owns and  
4 controls.

5 As a result of the repeated requests of our  
6 community residents that we provide more on-campus housing, and  
7 as Mr. Moore said, as a direct result of the clear directive of  
8 the Board of Zoning Adjustment, that we increase our amount of  
9 on-campus housing.

10 The George Washington Foggy Bottom Campus Plan  
11 was filed almost two years ago to the date, in December of 1999.

12 There were several rounds of hearings. I think it's safe to  
13 say that one of the key issues was the amount of on-campus  
14 housing that the university provides. We had proposed several  
15 housing sites, and the BZA, both in its March 29<sup>th</sup> order and in  
16 it's proposed order of remand, has indicated clear and tough  
17 sanctions for having an increased amount of on-campus housing.

18 Square 43, in the university's desire to place  
19 housing in Square 43 even predates the campus plan or predates  
20 the hearings on the campus plan. I testified before this  
21 commission in '98 on the consistency hearings, and the question  
22 was whether to down zone Square 43 from R-5-D to R-5-C.

23 I testified on behalf of the university, asking  
24 that the R-5-D designation remain because of the university's  
25 desire to eventually place student housing on that site and we

1 needed sufficient bulk to do so, and the commission determined  
2 to maintain the R-5-D zoning designation.

3 One of the things that the BZA Order of March 29,  
4 2001 did, was to bring Square 43 within the campus plan  
5 boundaries. It was once in the boundaries. It was out and then  
6 by the March 29<sup>th</sup> order, it was brought back in. In some  
7 respects, that was a good news, bad news situation. The bad  
8 news is that it would take the university longer to build  
9 housing on that site. Outside of the campus plan, we could have  
10 built housing as a matter of right on that site. Within the  
11 campus plan, of course, it's a special exception process.

12 The good news far outweighs, in my mind, the bad  
13 news. There are two aspects to the good news. One is that by  
14 bringing it within the campus plan, it enables the university to  
15 attempt to reach that goal that the BZA has clearly set for us  
16 in terms of an increasing amount of on-campus housing. That's  
17 one significant advantage.

18 The second significant advantage is that by  
19 bringing it within the campus plan, we are permitted to  
20 aggregate the FAR, so in effect we can accommodate more beds in  
21 a somewhat larger facility, still tastefully designed, but in a  
22 larger facility than we would have if the Square 43 had remained  
23 outside of the campus plan.

24 Square 57 is before you, a housing project that  
25 we determined to proceed with in response to, again, the need

1 for increased housing. This has been made repeatedly clear to  
2 us and so, in addition to Square 43, we wanted to develop a  
3 portion of Square 57 for housing as well.

4 We presented these cases, these projects to  
5 neighborhood organizations, ANC-2A, Foggy Bottom Association.  
6 We sought their support, and their positions are in the record.

7 We had several, two meeting I believe, with ANC 2-A and  
8 addressed all their questions. They will speak to their own  
9 issues.

10 I want to point out that this is the first  
11 special exception case under the new 2001 campus plan order. I  
12 want to assure the commission that the university is taking the  
13 conditions set forth in that order to the extent that they are  
14 in effect.

15 One condition was the subject of a preliminary  
16 injunction. But there are some other 19 conditions, and some of  
17 them require them to do certain things, requires the university  
18 to do certain things.

19 I have prepared a chart showing the status of  
20 those conditions, that we are moving ahead with them, which I  
21 will submit for the record.

22 MS. MOORE: Madam Chair, did the commission want  
23 to question Mr. Barber, or do you want to wait until afterwards?

24 CHAIRPERSON MITTEN: I think we'd like to wait.

25 MR. MOORE: That will be fine.

1 CHAIRPERSON MITTEN: Thank you.

2 MR. BARBER: I won't go through each of these  
3 conditions. I will tell you what I've put forward here. I've  
4 listed the condition by the number stated in the order of March  
5 29, 2001, and given a brief status report. And again, they will  
6 speak for themselves. Several of these conditions require some  
7 plan or document to go to advisory committee.

8 The first one speaks to the advisory committee.  
9 We made an effort back in June to establish this advisory  
10 committee. Both the community and GW has selected their member,  
11 and we had pushed for a meeting in November and the request came  
12 back for a meeting in January. So some of these things that  
13 have to go to the advisory committee will have to wait until the  
14 advisory committee meets, but we believe we're moving ahead on  
15 all other conditions.

16 CHAIRPERSON MITTEN: Thank you.

17 MR. MOORE: Thank you, Mr. Barber. Would you stay  
18 up here?

19 MR. BARBER: Yes.

20 MR. MOORE: Next, I'd like to call Ms. Linda  
21 Donnels, the Dean of Students. Just go ahead with your  
22 testimony.

23 MS. DONNELLS: Thank you. I'm speaking to the two  
24 dormitory projects on Square 43 and Square 57. These projects  
25 will add a significant number of beds to GW's on-campus student

1 housing inventory for full-time undergraduates. We're currently  
2 housing 4,056 students or we have 4,056 beds available on campus  
3 for undergraduates. These two projects will add significantly  
4 to that, adding in excess of 900 beds.

5 The location of these two properties is very  
6 appropriate and convenient for students to access academic  
7 buildings and campus resources, and will provide desired types  
8 of housing for students, particularly properties with high-speed  
9 Internet and telecommunication amenities, which are of prime  
10 importance to young people these days.

11 The dormitory on Square 43, which is a suite-  
12 style, apartment-style building echoes the construction of a  
13 property called New Hall, which is our most popular dormitory  
14 building on campus. This property, the new property I have no  
15 doubt will be equally desirable to students to stay on campus  
16 and live in this style apartment.

17 Square 57, townhouse row as you've heard about  
18 earlier will provide an integral building with eight townhouse  
19 properties that will permit us to offer affinity housing to  
20 students. Students often consider moving off campuses as parts  
21 of groups, and by having such a property that will allow us to  
22 deal with student groups whether they're organizations,  
23 fraternities and sororities, or living and learning communities.

24 This property will give us that variety to keep  
25 people on campus and have students living under the supervision

1 of the university where they might otherwise seek to live in  
2 residential properties in the neighborhood. The chief  
3 properties provide a variety to us that helps our on-campus  
4 housing system to attract undergraduate students, and these are  
5 excellent building for the purpose of student housing.

6 MR. MOORE: Thank you Ms. Donnels. I'd like next  
7 to, in my 45 minutes, to call on Barry Goldfarb.

8 BY MR. MOORE:

9 Q Sir, would you give your name for the  
10 record?

11 A Barry Goldfarb.

12 Q And are you employed?

13 A Yes, I am.

14 Q And how are you employed, sir?

15 A I'm an architect with Ayers Saint Gross  
16 Architects in Washington, D.C.

17 MR. MOORE: Madam Chair, I am going to give the  
18 board a copy of Mr. Goldfarb's resume and I'm going to ask him  
19 to briefly speak to it. The intent here is to qualify him as an  
20 expert witness in the field of architecture and planning, as  
21 soon as I get it out of my notebook here.

22 CHAIRPERSON MITTEN: Did you have resumes that you  
23 wanted to submit on other individuals?

24 MR. MOORE: Yes, I do for the other architects.

25 CHAIRPERSON MITTEN: Okay, can we do all that

1 together?

2 MR. MOORE: Yes. While those are being passed  
3 out, just speak briefly to your experience in the field of  
4 architecture, please.

5 MR. GOLDFARB: I'm a 1980 graduate, magna cum  
6 laude from the University of Maryland School of Architecture. I  
7 have a Bachelor of Architecture Degree and I'm a registered  
8 architect in the State of Maryland. I have been employed in  
9 architecture since that time for various firms. The last seven  
10 or so years with Ayers Saint Gross Architects, and during that  
11 time, concentrating on the field of academia or academic  
12 buildings I should say.

13 We do primarily university and college work, and  
14 have done both projects at George Washington previously, the  
15 recently completed Health and Wellness Center, which is directly  
16 across the street from the proposed project, as well as projects  
17 at other universities, the University of Maryland, Syracuse to  
18 name a few.

19 Q So you've been a licensed practicing  
20 architect for the last 21 years, is that correct?

21 A That's correct.

22 CHAIRPERSON MITTEN: Any objection from the  
23 commission to designating Mr. Goldfarb as an expert in  
24 architecture?

25 VICE CHAIRPERSON HOOD: No objection.

1 CHAIRPERSON MITTEN: Thank you.

2 COMMISSIONER PARSONS: While we're at it, Madam  
3 Chair, we've already dealt with Mr. Kleinrock in another case,  
4 correct?

5 CHAIRPERSON MITTEN: Yes, we have.

6 MR. MOORE: Did you want to hear from Mr.  
7 Kleinrock now?

8 COMMISSIONER PARSONS: No.

9 CHAIRPERSON MITTEN: Well, we'll give a few of the  
10 commissioners who haven't met Mr. Kleinrock before a chance to  
11 review and then we won't need to hear from him, but we'll just  
12 take that up when he begins his testimony. How's that?

13 MR. MOORE: Very well.

14 CHAIRPERSON MITTEN: Okay, thanks.

15 MR. MOORE: Thank you.

16 CHAIRPERSON MITTEN: Sorry, Mr. Goldfarb.

17 MR. GOLDFARB: Good evening, Madam Chair, zoning  
18 commissioners, I'm here on behalf of Ayers Saint Gross to  
19 present the design for the Square 43 dormitory. We were  
20 commissioned by the university to design a facility with some of  
21 the program parameters.

22 I'll touch on those for a minute: a minimum of  
23 700 student beds, as well as approximately two levels of below-  
24 grade parking and also a food venue area which includes four  
25 food venues as well as an associated dining area to provide



1 student eating area.

2 Statistics for the project as designed, it has an  
3 above-grade area contributing FAR of approximately 237,000  
4 square feet. It also includes approximately 52,000 square feet  
5 of below-grade parking, again on two levels, as well as another  
6 below-grade level approximately 29,000 square feet, which is the  
7 aforementioned venue level with somewhat of a food court, if you  
8 will.

9 The building height is the allowable 90 foot, and  
10 also that includes ten stories of above-grade structure. The  
11 lot coverage is 74 percent, which is within the allowable 75  
12 percent for this zoning district.

13 Currently the plans feature 710 beds of student  
14 housing, 91 parking spaces, and two loading berths. If you  
15 will, I'd like to, I have some boards to present and I'll get  
16 up.

17 MR. MOORE: Bring them closer.

18 CHAIRPERSON MITTEN: If you could bring them  
19 closer over here and then we can keep you on a mike.

20 MR. MOORE: What happened to the hand mike?

21 CHAIRPERSON MITTEN: The hand mike is  
22 recuperating. It doesn't work.

23 MR. GOLDFARB: Just to familiarize everybody with  
24 the site, we are bounded on 23<sup>rd</sup> Street on the east, G Street on  
25 the North, Virginia Avenue, a small portion of F Street right

1 down here. The surrounding building, the project we completed  
2 previously for the university across G Street is the Health and  
3 Wellness Center. The adjacent properties, as mentioned before,  
4 Dr. Kreuzer's townhouse parcel is in here. This is the  
5 Remington Apartments and Columbia Plaza is across Virginia  
6 Avenue from the project.

7 What we have here is a computerized model  
8 representing the project, which is shown right here. Again  
9 that's Health and Wellness, 23<sup>rd</sup> Street, Virginia Avenue and  
10 Columbia Plaza. This also indicates the bulk of some of these  
11 surrounding buildings which are somewhat similar in size to this  
12 project, with the exception of Dr. Kreuzer's.

13 This is a board with some site photographs. This  
14 represents Columbia Plaza in a panoramic view. Of course, it's  
15 composed of several or numerous buildings. We then have the two  
16 mid-row shots. This one is looking north on 23<sup>rd</sup> Street toward  
17 Washington Circle with Columbia Plaza in the foreground and  
18 Health and Wellness in the foreground. The site is right in  
19 here, and that's Dr. Kreuzer's property.

20 This is a street shot looking back down, with  
21 Health and Wellness this time in the foreground, and Columbia  
22 Plaza in the background. The site is right in here. This is a  
23 shot looking toward the west. This time you see the Remington  
24 Apartments, which is a nine-story, I believe, tall building on  
25 the adjacent parcel immediately to the west of the project.

1           A brief presentation of the floor plans, this is  
2           the PL parking level. The other parking levels are very similar  
3           and we've put as much parking in here as we could efficiently.  
4           This is what I refer to as the venue level, and it is also  
5           below-grade. The tan represents the public areas in this. The  
6           gray is the service. These are food venues. This is a dining  
7           space that fronts with a window area way to 23<sup>rd</sup> Street.

8           This is our ground floor plan and let me back up  
9           one second here. Let's go back to the site plan for a minute  
10          which is at ground level. We have two pedestrian entrances to  
11          the project. Mid-block on 23<sup>rd</sup> Street is the main entrance to  
12          the dormitory. We've also provided a corner entrance at the  
13          corner of 23<sup>rd</sup> and G Streets since the main campus is located to  
14          the north, and that provides convenient access for anyone coming  
15          from campus. It also provides access to the parking garage and  
16          to the venue level.

17          The vehicular entrances are: off of Virginia  
18          Avenue we have a parking entrance. I should point out that the  
19          site, the grade lowers as we go around here, so it made sense to  
20          bring that parking in where we could get it down below grade as  
21          soon as possible. We have a side yard over here where we pulled  
22          back from the Remington. Our property line again is here, and  
23          that setback afforded us the ability to bring in a driveway and  
24          also create some separation from the Remington project.

25          You'll notice here too that because it's

1       rectagonal and doesn't maintain the Virginia Avenue property  
2       line, these actually are balconies here, and if we'd have built  
3       out to the property line, we would have somewhat cut off their  
4       views and crowded that building.

5               The building has a rear court, which satisfies or  
6       the width satisfies zoning requirements. That will be  
7       landscaped and planted and the Remington will have views into  
8       that.

9               The other vehicular entrance is a service entry  
10      here to the loading berths. We positioned that on G Street, and  
11      it actually is immediately opposite a parking garage entrance to  
12      the Health and Wellness Facility.

13              This then represents the ground floor. This is  
14      the pedestrian entrance. The venue entrance is here. There's a  
15      floor opening to the food court below with a grand stair  
16      service, with loading berths in gray. And then we have some  
17      residential functions over here with some rooms. This is a  
18      typical floor, where you now see all of the student dorm rooms  
19      and suites arrayed around a simple corridor plan.

20              These rooms are very similar to Ms. Donnels  
21      mentioned the New Hall project, which our firm designed in that  
22      there are typically two-bed bedrooms which are then arrayed  
23      around a common living room and kitchen facility, similar to an  
24      apartment.

25              MR. MOORE: Mr. Goldfarb, in deference to our

1 efforts to be as efficient as possible in the 32 minutes that we  
2 have left, would you just speak specifically to three issues.  
3 One, to the architecture with respect to the special status of  
4 23<sup>rd</sup> Street. Go ahead with that.

5 MR. GOLDFARB: Sure. In terms of 23<sup>rd</sup> Street,  
6 we've provided or we'll maintain the tree planting of street  
7 trees and provide supplemental planning along the, behind the  
8 sidewalk and between the building. We've maintained the vistas,  
9 both up and down 23<sup>rd</sup> Street as well as, I think, the pedestrian  
10 entrances and the venue entrance will bring street life to the  
11 facility.

12 MR. MOORE: And is it your testimony that the  
13 architecture of this building is similar or complimentary to the  
14 architecture of other buildings on this 23<sup>rd</sup> Street?

15 MR. GOLDFARB: We believe that it is. We've used  
16 traditional materials, brick and limestone-like precast, and  
17 many traditional elements.

18 MR. MOORE: Would you also speak to your thoughts  
19 with respect to the interface of this building with the  
20 Remington Apartments, please?

21 MR. GOLDFARB: With regard to the Remington  
22 Apartments, we have as I mentioned before, we pulled back and  
23 created a side yard so that we're ? both are tall buildings, and  
24 with the way the balconies were configured, we pulled back from  
25 them. The courtyard is landscaped. Also, all the elevations on

1 this project have been thoughtfully designed. We don't really  
2 have a rear facade to the project, recognizing that the  
3 Remington Apartments in some cases face our building.

4 MR. MOORE: Madam Chair, members of the  
5 commission, I'd like to note for the record there is a  
6 distinction between the drawings that are before you and the  
7 drawings that are in the packet. Between the two, we visited  
8 with the staff of the Commission on Fine Arts, and the staff had  
9 some rather strong feelings as to the wall there on the  
10 southeast corner of the building. Would you show that, Barry?

11 And so what we have done in deference to the  
12 staff's strong feelings about that wall and the entrance that it  
13 creates for the gateway on 23<sup>rd</sup> Street, we have adjusted, just  
14 yesterday, the boards to reflect the recommendations of the  
15 staff of the Commission on Fine Arts. All other aspects are the  
16 same.

17 CHAIRPERSON MITTEN: All right.

18 MR. GOLDFARB: The elevation in question is shown  
19 here, and we've increased the number of windows on that facade  
20 as a result of the Fine Art comments.

21 MR. MOORE: Members of the commission, I was at  
22 that meeting, and I think the idea was the same staff thought  
23 there was too much of a blank wall at that intersection. So  
24 what we did is we had the architects increase the articulation  
25 of the building so that it wrapped around, so that the first

1 thing you see is not a blank wall but the articulation of  
2 windows in that alcove there.

3 CHAIRPERSON MITTEN: All right.

4 MR. BASTIDA: Excuse me, Madam Chairman, have you  
5 submitted that to the commission?

6 MR. GOLDFARB: No. No, we just did it yesterday.

7 MR. BASTIDA: But are you going to do it now?

8 MR. MOORE: We will. We will.

9 MR. BASTIDA: Okay, thank you.

10 MR. MOORE: Yes. Is that all you had?

11 MR. GOLDFARB: I'd just like to briefly show some  
12 of the rest of the elevations. As we had here, we've got a  
13 fairly traditional building with a rusticated base, brick.  
14 We've got traditional detailing in terms of cornices and  
15 belcorses (phonetic).

16 We've attempted with the two-story base to pick  
17 up the scale of the townhouse properties. Obviously our  
18 building is bigger, but we tried to scale it with the  
19 traditional base, middle and top, and that base relates somewhat  
20 to those.

21 I'd also like to present, this is a photo montage  
22 that we created. It is not quite as current as the other  
23 elevations. Again, looking up 23<sup>rd</sup> Street, these are the  
24 townhouses, Health and Wellness in the background and the  
25 Remington Apartments and this is somewhat representative of how

1 the completed project will look.

2 MR. MOORE: Is it in your professional judgment,  
3 the architecture of this building consistent with the special  
4 status of 23<sup>rd</sup> Street in the comprehensive plan?

5 MR. GOLDFARB: We believe that it is.

6 MR. MOORE: That's all I have for Mr. Goldfarb.

7 CHAIRPERSON MITTEN: Thank you.

8 MR. MOORE: At this time, I would call on Mr.  
9 Kleinrock.

10 CHAIRPERSON MITTEN: Have the commissioners had a  
11 chance to look at Mr. Kleinrock's credentials? Any objections  
12 to designating Mr. Kleinrock an expert in architecture? Nice to  
13 see you again, Mr. Kleinrock.

14 MR. KLEINROCK: Nice to see you. It's a pleasure  
15 to be here.

16 CHAIRPERSON MITTEN: Were you sworn in?

17 MR. KLEINROCK: No.

18 CHAIRPERSON MITTEN: Okay, can we take this  
19 opportunity to swear in anyone who might have been out of the  
20 room when the initial swearing in occurred? Anybody that would  
21 like to testify this evening that has not yet been sworn, please  
22 stand, raise your right hand, and Mr. Bastida will.

23 (Witnesses sworn)

24 MR. BASTIDA: Thank you.

25 CHAIRPERSON MITTEN: Thank you.



1 MR. KLEINROCK: Thank you.

2 MR. MOORE: Mr. Kleinrock is the architect for the  
3 Square 57 project.

4 MR. KLEINROCK: Thank you. The George Washington  
5 University asked Einhorn, Yaffee, Prescott to design affinity  
6 housing for the site. The idea of this kind of housing is to  
7 provide students with another kind of housing that Ms. Donnels  
8 had spoken about. So what we've done is recreated townhouse  
9 units on 23<sup>rd</sup> Street and the building is four stories high and  
10 it provides housing beds for 204 students.

11 I'd like to begin by saying that we believe our  
12 building on Square 57 is consistent with the DC comprehensive  
13 plan, that it addresses the green city. We have continued the  
14 planting of street trees. These are existing street trees, so we  
15 are maintaining and supporting the existing street trees,  
16 augmenting those with gardens and ornamental trees along 23<sup>rd</sup>  
17 Street. We have brick paving for sidewalk paving and walks up  
18 to the individual units on 23<sup>rd</sup> Street, also along G and along F  
19 Street.

20 We created little areas along, gathering areas at  
21 the corners and a bust of George Washington, which is being  
22 located here, being relocated from another corner on the site.  
23 So that, in terms of the site plan, we think that the building  
24 is very consistent with the comprehensive plan.

25 Architecturally, as you'll see as we go through

1 the elevations of the building that we think in terms of the  
2 architectural detailing of the building, it's massing is very  
3 compatible with the existing buildings and consistent with other  
4 townhouse and row house units in Foggy Bottom.

5 In terms of the elevations of the building, what  
6 we did is we created a townhouse appearance. We tried to vary  
7 the street for sod, by having bay windows to enliven the facade.

8 They are three-story bays that are rectal linear in an  
9 octagonal base that are four stories in an alternating pattern  
10 along the street, to enliven the street.

11 We have a traditional base, building base that's  
12 in a top of the building. In terms of materials, we've used  
13 brick, lead-coated copper for the main sod roof, and precast  
14 cast stone detailing in the facade, expressed lintels and we  
15 varied you can see in order to create interest in the facades,  
16 that we varied the treatment of the lintels and the  
17 architectural detailing to really give, to create a really rich  
18 facade.

19 We've augmented the corners of the site by  
20 creating towers at the corners of the property. As you can see,  
21 at the corner of F Street, we've created a tower identifying  
22 George Washington University so that we've ? actually, I'm  
23 sorry. This is G Street. So that we've really varied this.

24 We have individual doors into each of the units,  
25 so it really becomes really part of the city fabric and it's

1 very consistent with row houses in the District of Columbia.

2 Briefly, I'll just go over the plans. The first  
3 floor is organized with individual entrances. There's a stair,  
4 a common stair for each unit and an elevator that's shared by  
5 two units. The first floor has a living room, kitchen area, and  
6 dining area. So it's a very public sort of first floor for all  
7 of the students in each of the units.

8 The lower level is a recreation floor that has  
9 large meeting rooms and utility space, and then the typical  
10 sleeping floor has a combination suite arrangement with four  
11 suites in each unit. There are a total of 204 beds on three  
12 living floors. And, I think that's our presentation.

13 MR. MOORE: Mr. Kleinrock, would you just take a  
14 moment to speak to the reflection of your architecture with the  
15 special status of 23<sup>rd</sup> Street, please?

16 MR. KLEINROCK: Well like I said, I think our  
17 building is very consistent with 23<sup>rd</sup> Street's special stature  
18 as a special street. We've done that through the kinds of  
19 detailing in the facade in terms of the street trees and the way  
20 it relates to the buildings that are adjacent to it, the Smith  
21 Center which is a low building of equal height, and also the  
22 Alan Lee Mansion across the street.

23 MR. MOORE: Thank you. I'd next like to call Lou  
24 Slade and Byron Wills, please. Madam Chair, I believe Mr. Slade  
25 has been qualified as an expert before this commission on

1 numerous occasions. I'd move permission to qualify him as an  
2 expert in transportation and parking on this occasion, please.

3 CHAIRPERSON MITTEN: We have seen Mr. Slade many  
4 times. Are there any commissioners who have any questions  
5 regarding his credentials?

6 COMMISSIONER MAY: Not having been involved in any  
7 previous proceedings with Mr. Slade involved, I wouldn't mind  
8 seeing his resume.

9 CHAIRPERSON MITTEN: Do you have that with you?  
10 Okay.

11 COMMISSIONER MAY: I have no doubt the rest of the  
12 commission believes he's qualified as an expert though.

13 CHAIRPERSON MITTEN: Just pass it down.

14 COMMISSIONER MAY: I'm the curious one.

15 MR. MOORE: Would you speak to your background  
16 just briefly Mr. Slade for Mr. May?

17 MR. SLADE: Mr. May, Madam Chair, members of the  
18 commission, my name is Louis Slade. I'm a principal and  
19 founding partner in Gorow Slade Associates. We've been in  
20 business in Washington, D.C. for 22 years, and I have a  
21 Bachelor's and Master's Degree in Civil Engineering and  
22 Transportation Planning from a long time ago.

23 MR. MOORE: You have testified as an expert before  
24 the Zoning Commission and the BZA on numerous occasions in the  
25 past?

1 MR. SLADE: Yes, I have.

2 CHAIRPERSON MITTEN: Just bear with us for one  
3 minute. Maybe Mr. Bastida you could shut the clock off while we  
4 do this. What's helpful to us for the future is, we love to get  
5 a little package in advance of everybody's resume and then we  
6 can just do this real fast.

7 MR. MOORE: That's my fault, Madam Chair. I  
8 thought everyone knew Lou Slade. I stand corrected.

9 CHAIRPERSON MITTEN: We just to give all the  
10 commissioners the opportunity to ask questions. That's all. So  
11 is there any objection?

12 COMMISSIONER MAY: No objection.

13 CHAIRPERSON MITTEN: Okay, great.

14 MR. SLADE: Madam Chair, members of the  
15 commission, my name is Louis Slade. I'm a principal with Gorow  
16 Slade Associates. I reside at 3500 Casada Street in Washington.  
17 My firm conducted two studies, one for Square 43 and one for  
18 Square 57. There are two separate reports in your packet. They  
19 are clones of one another.

20 The Square 43 study takes into account what's  
21 proposed on Square 57 and vice versa. So, but we felt that the  
22 documentation had to be complete by having two separate studies.  
23 They're both fascinating reading.

24 CHAIRPERSON MITTEN: We know.

25 MR. SLADE: The effect of these two projects on

1 traffic can be summarized as a result of three aspects of the  
2 projects. First, by providing housing for more students on  
3 campus, we reduce the need for students to travel to and from  
4 the campus. So it has a net reduction in the amount of traffic  
5 on the streets by students. We didn't make that adjustment just  
6 to make sure our estimates of future traffic would be  
7 conservatively high.

8 The second effect of the two proposals in front  
9 of you is that Square 57 at the present time has 47 surface  
10 parking spaces on it and they'll be removed and not replaced on  
11 that square, but the Square 43 project will have 90 new parking  
12 spaces constructed as part of it. So there will be a net  
13 increase of 43 parking places in this immediate area.

14 Those parking spaces, Mr. Wills will testify  
15 about the parking portion of this, but that slight change in  
16 parking brings a little more traffic into the area,  
17 theoretically because we have more spaces and it changes the  
18 patterns because they're on the west side of the street now  
19 instead of the east side of 23<sup>rd</sup> Street.

20 So our studies took into account existing traffic  
21 conditions in the area, all the projects that are either under  
22 development currently or planned in the immediate area, as well  
23 as the vice versa aspect of these projects that I mentioned.  
24 And what it really comes down to is moving parking places across  
25 the street and slightly increasing it.

1           We analyzed the seven intersections around these  
2           two squares, and did our standard level of service tests and  
3           found essentially no significant change in the level of service  
4           at any of the intersections just because the amount of traffic  
5           generated by this net increase in parking is so small, and the  
6           change in pattern is relatively insignificant.

7           The amount of parking is consistent with the  
8           campus plan, but I'll defer to the next expert on that matter.  
9           But even if you approved one and not the other, regardless of  
10          which way this goes, we still fit within the guidelines of the  
11          campus plan in terms of the amount of parking we're providing.

12          We did look at the number of pedestrians that  
13          would be generated by these two dorms, because there was some  
14          questions raised about the concentration of this many students  
15          in one location. And we went to some other existing dorms and  
16          counted traffic going in and out of the doors of people out onto  
17          the sidewalks, and got a sense of how much traffic a dormitory  
18          generates on this campus.

19          And then, we looked at the sidewalks in the  
20          vicinity to propose dormitories to insure ourselves that the  
21          sidewalks and the intersections would handle this additional  
22          pedestrian traffic without any problem.

23          The net effect of these two projects is really a  
24          positive effect on traffic conditions for the reason I  
25          mentioned. More students can live here and less have to travel

1 to and from the campus. So from the standpoint of traffic and  
2 parking, we found that these two projects will have no adverse  
3 impact.

4 MR. MOORE: Thank you. Mr. Wills, would you  
5 identify yourself and then just give a brief testimony on the  
6 impact of these two projects on the university's parking  
7 requirements as in the approved campus plan?

8 MR. WILLS: Yes, certainly. Good evening. My  
9 name is Byron Wills. I'm the Program Manager for parking at the  
10 university. We handle all the parking related issues there.  
11 There's two issues I'd like to speak to. One, we need to know  
12 the campus need for the minimum number of spaces we can have on  
13 campus. And the second is where will the students who will be  
14 in these dorms park when it's ready.

15 On the first issue, on Square 57 we have 47  
16 parking spaces. It's an approved parking lot. On Square 43, we  
17 do not have parking, so the net loss would be 47 spaces. The  
18 campus currently has 3,049 spaces, far exceed 2,800 minimums.  
19 So we do not see, that despite this loss, we do not see it  
20 affecting our ability to meet demand and supply.

21 On the student side on completion, it is a  
22 university policy for us to give parking to students or offer  
23 parking to students in preference in any building where parking  
24 is located. Currently we have parking in the New Hall garage,  
25 but historically we only accommodate a small number of students.



1       The need for parking in these garages are very minimal for  
2 residential students.

3               In the New Hall garage, we have 59 spaces. We  
4 only have two to five applying for parking at that building.  
5 The need for parking in the building that will be on Square 57  
6 will be accommodated in the Health and Wellness Building. We  
7 currently house all our student parkers, overnight parkers in  
8 that building, which is right across the street.

9               So any student who requires parking will be  
10 assigned there, and by no means do we decline any student who  
11 needs overnight or monthly parking. On Square 43, those  
12 students will be afforded the opportunity to park in the garage  
13 that will be directly below the building. Thank you.

14              MR. MOORE: There are 88 spaces in the garage, is  
15 that correct? There will be 88 spaces in the garage on Square  
16 43.

17              MR. WILLS: I understand it's 91 spaces. There  
18 will be 91 spaces on Square 43.

19              MR. MOORE: In your professional judgment, are  
20 those spaces sufficient for the number of students that will be  
21 coming to Square 43 if this project is approved?

22              MR. WILLS: It will be more than adequate.

23              MR. MOORE: Madam Chair, we have 12 minutes to  
24 spare. I would ask to save the remaining 12 minutes to make a  
25 closing statement, and we offer the witnesses, all of them for

1 the board's questions and comments.

2 CHAIRPERSON MITTEN: Terrific. Thank you.  
3 Questions from the commission? Well, I'll start then. First  
4 I'd just like to congratulate the university for addressing a  
5 longstanding issue, and I think this is a wonderful step in the  
6 right direction and these buildings are very attractive. So I  
7 think both of those things are good.

8 Just a couple of small questions. I just want to  
9 be sure I know what Mr. Wills just said about the Health and  
10 Wellness garage. You said that any student who requires parking  
11 on campus, that is the garage in which they park except, I take  
12 it, if they're living in a dormitory that has parking included?

13 MR. WILLS: That is correct. It's designated for  
14 student parking, and to date it has met the needs of that  
15 population, so we have no need to extend it to any other  
16 facility. If the demand grows to that point, we will extend it.

17 But we always extend parking overnight and monthly parking for  
18 students.

19 CHAIRPERSON MITTEN: Okay, so then most of the  
20 people that would be parking in the new dormitory on Square 43,  
21 I think I read would be faculty and staff? Since there's so few  
22 that would be students.

23 MR. WILLS: Yes. We designate the garage to be  
24 faculty and staff, but we give preference to students who may  
25 live in the building.

1 CHAIRPERSON MITTEN: Okay, but you're anticipating  
2 very few students, so the balance would be faculty and staff?

3 MR. WILLIS: That's correct.

4 CHAIRPERSON MITTEN: And do they get assigned to  
5 that garage, or is it just sort of this random driving around  
6 process that takes place for staff to find a space?

7 MR. WILLIS: It's random. You're guaranteed to  
8 have parking, but not a specific reserved space.

9 CHAIRPERSON MITTEN: And not a specific reserved  
10 garage? You're not directed to a particular ?

11 MR. WILLIS: No. You are assigned to a garage.

12 CHAIRPERSON MITTEN: I see. Okay.

13 MR. WILLIS: If you're a student assigned to  
14 Square 43 garage, that's the garage in which we will guarantee a  
15 space.

16 CHAIRPERSON MITTEN: Okay, I just wanted to  
17 understand how that worked.

18 MR. WILLIS: Sure.

19 CHAIRPERSON MITTEN: There's some space behind the  
20 townhouses or the townhouse-style building on Square 57 that I  
21 was just wondering, it's on the ? I'm looking at the landscape  
22 plan. It might not be the best thing to look at.

23 MR. MOORE: It might be helpful if you could tell  
24 us which ? is it an architectural question or is it the parking  
25 question?

1 CHAIRPERSON MITTEN: It may be an architectural  
2 question.

3 MR. MOORE: Okay.

4 CHAIRPERSON MITTEN: I think it's an architectural  
5 question.

6 MR. MOORE: We'll get the architect up here. He's  
7 all ready. He's primed and ready. The concrete terraces that  
8 are shown at the rear along the driveway, what mechanism is  
9 going to be in place to keep people from parking on those?

10 MR. KLEINROCK: There are gates that are located  
11 here and here, so the only traffic that can come through here is  
12 for trash removal, and it's meant to be a pedestrian way and  
13 there will be no cars that can come through here.

14 CHAIRPERSON MITTEN: Okay. So that's restricted  
15 access there.

16 MR. KLEINROCK: Yes.

17 CHAIRPERSON MITTEN: Okay. I have a question that  
18 sort of relates, I guess it relates more to the building on  
19 Square 43.

20 What I'm concerned about is the width ? given  
21 that we were talking or Mr. Slade was talking about concern  
22 about pedestrian traffic flow as well as automobile traffic flow  
23 ? now let me get the page I want to look at here. I guess it  
24 would be the site plan for the Square 43 dormitory.

25 It looks like some of the plantings that you're

1 proposing are going to be in the public right-of-way adjacent to  
2 the building and then there's some trees that are already, it  
3 looks like maybe they're in tree boxes or something and it looks  
4 like that sidewalk might be quite narrow. Do you see where I'm  
5 making reference to?

6 MR. KLEINROCK: Are you referring to here?

7 CHAIRPERSON MITTEN: Yes, exactly.

8 MR. KLEINROCK: What that represents right now is  
9 a similar condition to what you would see in front of or  
10 alongside the Health and Wellness facility. This is the street  
11 trees immediately adjacent to the curb obviously.

12 The sidewalk, the width is, I believe it was  
13 mandated in the zoning requirements for the minimum sidewalk  
14 width. And then we do have planting in public space. It's kind  
15 of a balance of trying to create enough sidewalk width, as well  
16 as trying to maximize the amount of planting consistent with the  
17 special street status.

18 CHAIRPERSON MITTEN: Okay.

19 MR. KLEINROCK: I should add that most of the  
20 students will likely use the corner entrance. I think this one  
21 is somewhat more ceremonial, given that it's mid-block so most  
22 of the population will be coming out with this pretty  
23 generously-sized entrance and paving area.

24 CHAIRPERSON MITTEN: Okay. In terms of the way  
25 the food venues are going to be operated, do you anticipate that

1 there will be any alcoholic beverages served there?

2 MR. KLEINROCK: I'm going to defer to the  
3 university.

4 CHAIRPERSON MITTEN: No. So you wouldn't oppose  
5 having a specific condition in the approval that would exclude  
6 that possibility?

7 MS. DONNELLS: No, I wouldn't oppose that. No. We  
8 regulate strictly alcoholic beverage. We have a very strict  
9 alcohol beverage policy, so our student food venues don't serve  
10 alcohol.

11 CHAIRPERSON MITTEN: Okay, that's good to know.  
12 This is a question, I think it's probably for Mr. Barber. Given  
13 that we're trying to maximize the number of beds on campus, and  
14 I understand that you like to have a variety of housing types  
15 that you offer, but why didn't you make the building or why  
16 didn't you dictate that the building on Square 57 would be  
17 larger?

18 MR. BARBER: We considered that. There are two  
19 reasons for that, one programmatic, and the other has to do with  
20 the nature of the site and the architecture. I'll give a  
21 general answer and I think the architects perhaps can elaborate.

22 But in terms of programmatically, particularly as  
23 Mr. Niles (phonetic) has said, this facility is trying to appeal  
24 to a different kind of student. We have groups of students who  
25 do not now have a way to live on campus together. And so, if

1 they want to live on campus, they are forced to go out into the  
2 community.

3 So we are trying to appeal to those groups of  
4 students and bring them onto campus. We thought that fit well  
5 on this particular site, which is long and narrow. If we were  
6 to build a taller building, it would have been a problem to  
7 build apartment-style housing as we would like to do.

8 Our housing are one or two types now. We build  
9 apartment-style housing because that's what students like. And  
10 then now with the 57, they are affinity housing. We don't do  
11 dormitories anymore with a long, narrow corridor. Students  
12 don't like those, and so to attract students and make sure we  
13 don't have any empty beds, we have built both types of housing,  
14 apartment-style housing in 43.

15 On the smaller, more narrow site where it's not  
16 really appropriate for apartment-style housing, we've gone to  
17 the affinity housing to bring those, give those people an option  
18 where they don't have an option now.

19 CHAIRPERSON MITTEN: Okay.

20 MR. BARBER: Is there an architect that wants ?

21 MR. KLEINROCK: Mr. Barber addressed the  
22 architectural issue as well, which is that the site because it  
23 is so narrow that we would end up with a double-loaded corridor  
24 with traditional type, you know the kind of housing we lived in  
25 when we were students, with gang toilets and that really isn't

1 part of the program at the universities architecturally. The  
2 site wouldn't support it.

3 CHAIRPERSON MITTEN: Okay. And then I just had a  
4 technical question which is, there's reference made to a  
5 technical appendix for the traffic study. Was that submitted  
6 for the record, because that's where we're going to see the  
7 inventory of parking, and I was also hoping that maybe that  
8 would indicate some of the future background conditions that you  
9 studied. You made reference to the on-campus new construction,  
10 but you didn't really delineate what you've taken into  
11 consideration as far as things being built off campus. Is that  
12 the technical appendix.

13 MR. SLADE: It is not a technical appendix. We  
14 will submit that for the record.

15 CHAIRPERSON MITTEN: Okay.

16 MR. SLADE: It is in the technical appendix but  
17 the technical appendix is not in the package.

18 CHAIRPERSON MITTEN: Okay.

19 MR. SLADE: So we'll get it to you for the record.

20 CHAIRPERSON MITTEN: Terrific. Thank you. Any  
21 questions from any other commissioners? Commissioner May.

22 COMMISSIONER MAY: Following up on that question,  
23 some of the information that's in that technical appendix would  
24 satisfy the other requirements for the application, and what I'm  
25 looking at in your submission there was a list of ? in the



1 original BZA Order, there's a list of eight requirements to be  
2 submitted with the application, materials to be submitted. I'm  
3 just going by what I read here.

4 MR. MOORE: Which condition are you speaking to?

5 COMMISSIONER MAY: This is ? let's see. It's #19  
6 and it says "university shall submit a special exception  
7 application to the board for each structure or addition to an  
8 existing structure the university proposes to construct over the  
9 life of the plan. In addition to demonstration of compliance  
10 with the applicable provisions of the zoning regulations and the  
11 contents of the approved 2001 campus plan, each application  
12 shall include the following" and there are eight items that are  
13 listed there, and some of them are in this package and some of  
14 them aren't.

15 Now maybe I'm misreading what's required here,  
16 but based on that reading for further processing, I was  
17 expecting to see the progress report on the implementation of  
18 the streetscape plan. Now we did get that in your brief,  
19 although maybe a little more brief than I'd like.

20 The status report on transportation management  
21 program assumptions regarding the calculation of off-street  
22 parking spaces, number of students, I mean a whole range of  
23 things that bit and pieces of that are within this package but I  
24 don't see everything. Now am I misreading that?

25 CHAIRPERSON MITTEN: No, I don't think you are.

1 Mr. Barber, can you speak to that?

2 MR. BARBER: You are correct that we have not put  
3 all this information in one package, and let me get to the end  
4 and I'll come back. We can do that and we will do that. We  
5 have submitted most of this information in various documents. I  
6 do believe we have omitted the student enrollment cap, which we  
7 will also include.

8 COMMISSIONER MAY: Right. For the purposes of  
9 making things easier in the future, I think it would be very  
10 useful to see this in very simple bullet form and that they each  
11 be a tab or an exhibit or something like that, because you know,  
12 I know I learned a lot of this stuff in reading the materials  
13 that were submitted. But there are pieces that are missing and  
14 if I had to go back and try to find some of those facts, I  
15 wouldn't be able to. But if they were just spelled out tab by  
16 tab, it would be very helpful. Thank you.

17 MR. BARBER: I appreciate that. Fine, we will do  
18 so.

19 COMMISSIONER MAY: Okay. I do have some other  
20 questions for Mr. Kleinrock, I believe. Actually, I'm sorry,  
21 this is for Mr. Goldfarb. Am I mixing up my architects?

22 MR. KLEINROCK: Square 43.

23 COMMISSIONER MAY: Square 43, thank you. That's  
24 the right one. What is the onsite FAR for that building? Have  
25 you calculated that? I know it fits within the overall campus,

1 but what's the FAR of this building on this site?

2 MR. KLEINROCK: We did do a calculation. I do not  
3 recall the exact number. I believe it was 7.4 or so.

4 COMMISSIONER MAY: As opposed to 3.5, which is R-  
5 5-D matter of right as I understand it?

6 MR. KLEINROCK: Correct.

7 COMMISSIONER MAY: Okay. The latest improvement  
8 to the design results of discussions with the Commission of Fine  
9 Arts resulted in more windows overlooking Dr. Kreuzer's  
10 property, and I saw a reference somewhere in other materials  
11 with regard to some promise made to Dr. Kreuzer about not having  
12 windows not overlooking his property. Is there such a promise  
13 made somewhere?

14 MR. BARBER: No. That was our initial intent out  
15 of concern for his privacy and that's why we did not have  
16 windows there originally. Given the strong indication from the  
17 Commission of Fine Arts, we had to revisit that issue. This is  
18 Michele Honey, one of the university's architects. Maybe she  
19 can elaborate on any discussions.

20 MS. HONEY: We had some earlier discussions with  
21 Dr. Kreuzer very, very early in the project process. The  
22 windows that we are providing currently that were requested by  
23 the Commission of Fine Arts can be fixed. The windows that are  
24 closest to the roof are just blank panels.

25 COMMISSIONER MAY: Okay.

1 MR. MOORE: Mr. May, let me be quite clear here.  
2 The staff said to us in no uncertain terms, "this is a blank  
3 wall. We do not like it. We would recommend to the  
4 commission."

5 COMMISSIONER MAY: I agree with that. I  
6 understand that completely, and setting concerns aside, there  
7 was this reference to a "promise."

8 MR. MOORE: I don't believe there was a promise.

9 COMMISSIONER MAY: Okay. That's fine and I do  
10 agree with wanting to keep those windows fixed. I went to  
11 college and I know what happens with windows. I guess the last  
12 question I have, again this is I guess for Mr. Goldfarb, has to  
13 do with Virginia Avenue and the relationship of the building to  
14 Virginia Avenue, which is also a special street, and one might  
15 argue being an avenue is a more special street.

16 Yet the treatment of the building on that side, I  
17 mean it really does look like the back end of the building. You  
18 got the loading dock and you got the little entrance door on it,  
19 compared to the treatment on 23<sup>rd</sup> Street. And this is really  
20 kind of a two-fronted building. So I'm wondering if you could  
21 elaborate a bit on what your philosophy was towards Virginia  
22 Avenue?

23 MR. GOLDFARB: Let me get the elevation first off.  
24 First off, I'd just like to point out that, in fact, the  
25 loading berth that you mentioned is actually on G Street.

1 COMMISSIONER MAY: You're right. I meant the  
2 garage entrance, sorry.

3 MR. GOLDFARB: We do have a garage entrance. We  
4 did take special pains. While the access, you're correct is off  
5 of Virginia Avenue, the actual entrance itself or building  
6 garage door faces the side yard and it's down here. We made  
7 efforts to try to keep that off of the street.

8 Unfortunately, we obviously had to get a garage  
9 entrance in somewhere, and 23<sup>rd</sup> Street did not seem like a good  
10 location for it. That one obviously did present itself. In  
11 terms of the articulation of the facade, we very much have tried  
12 to make it consistent with the front elevation. You're  
13 absolutely correct it doesn't have the entry bay, but we didn't  
14 have a pedestrian entrance over there.

15 We also had, I think Virginia Avenue has a  
16 narrower sidewalk and ?

17 COMMISSIONER MAY: Is that only an exit then that  
18 I see on the Virginia Avenue elevation?

19 MR. GOLDFARB: I'm sorry?

20 COMMISSIONER MAY: There's a door on Virginia  
21 Avenue, and you said there are no pedestrian entrances.

22 MR. GOLDFARB: That's correct. That door is just  
23 an egress point.

24 COMMISSIONER MAY: Okay. All right, well did you  
25 look at doing the garage entrance off of G Street where you ? I

1 mean you obviously thought it was the right place for the  
2 loading dock and ? well, did you look at that side?

3 MR. GOLDFARB: We actually did initially. We  
4 tried to limit. That ends up presenting a very wide width when  
5 you take the two together of garage doors, parking and loading.  
6 That's already a shorter elevation than the others, and it  
7 would have been dominated by the service functions.

8 Additionally, there were some very, quite  
9 honestly some pragmatic reasons as well. That's approximately  
10 eight-foot higher on the site. We would have ended up,  
11 basically the rear courtyard would have probably had a trench  
12 running through it for the garage ramp, because we could not  
13 make headroom by the time we got through the wing coming through  
14 here. It basically obliterated the food venue level.

15 But we very much did look at that and decided  
16 early on that the correct move in our opinion was to separate  
17 the two and then we sought to do it as architecturally as  
18 possible.

19 COMMISSIONER MAY: I guess that's about it. I did  
20 have one other minor question. There was a reference, and this  
21 is not an architectural question. This has to go to the  
22 original BZA Order, and there was a listing of the squares that  
23 were planned for residential development.

24 MR. BARBER: Yes.

25 COMMISSIONER MAY: And they did not include either

1 one of these squares, and I'm wondering why.

2 MR. BARBER: Square 43 ?

3 COMMISSIONER MAY: Was not included in the campus  
4 plan at the time. So, 57?

5 MR. BARBER: 57 we decided to proceed with as a  
6 result of the March 29<sup>th</sup> order. It was not a primary housing  
7 site that we had listed, but it was included as a residential  
8 campus life area for that purpose.

9 COMMISSIONER MAY: Okay. Thanks.

10 MR. MOORE: Mr. May, I think the BZA's Order and  
11 its contemplated remand order change the university's thinking  
12 with respect to locations for on-campus housing.

13 COMMISSIONER MAY: Okay, thank you. I'm not  
14 entirely familiar with the history of this, so I appreciate the  
15 additional information.

16 MR. BARBER: We'll spare you the gory details.

17 COMMISSIONER MAY: Thanks.

18 CHAIRPERSON MITTEN: That reminds me that I had  
19 asked Mr. Bastida to convey to you that it would be helpful to  
20 us if we had Exhibit A in color. Is that something that you're  
21 going to be able to provide?

22 MR. BARBER: He did say that to us. We did make  
23 those copies. I'm afraid they're lost in the security of this  
24 building. Our messenger said he delivered them over here at  
25 3:14. We just have to find them within the security of the

1 building. I don't know where they are. But he did make, Mr.  
2 Bastida did call me.

3 CHAIRPERSON MITTEN: I didn't realize they were so  
4 precious.

5 MR. BARBER: It's just difficult to get packages  
6 in the building.

7 CHAIRPERSON MITTEN: I understand, okay.

8 MR. BARBER: They are coming.

9 CHAIRPERSON MITTEN: Okay, great. Thank you.

10 COMMISSIONER MAY: Can I make one more point?  
11 This goes back to my first point, and I was reminded by the  
12 comment with regard to the drawings. The first item that is  
13 required with every application is a showing that the use,  
14 height, bulk and design of the proposed structure is sensitive  
15 to and compatible with adjacent and nearby non-university owned  
16 structures and uses.

17 I had a great deal of difficulty in reviewing  
18 this submission and understanding it in relation to the context.

19 And it would be helpful, it would have been helpful and this  
20 went to see a section through the street, to see an elevation of  
21 something more than just the building or the square, to see the  
22 blocks that are on the next, see the elevation of the next  
23 block.

24 I'm sure that as expert architects as I know you  
25 are, and we have qualified you as such, that you've done



1 drawings like that. You've looked at what the rest of the  
2 context is, so it is helpful to see that particularly since it's  
3 required.

4 MR. BARBER: Would you like us to submit something  
5 in a broader context for these buildings?

6 CHAIRPERSON MITTEN: I think that would be very  
7 helpful, and also I mean this is the Zoning Commission's first  
8 time to do further processing. It's the first time to do one  
9 under this plan, so I think we're all kind of feeling our way in  
10 terms of what's expected. But that would be most helpful and  
11 I'm glad you asked for it, Commissioner May, thank you.

12 MR. GOLDFARB: I would comment, I don't know if it  
13 was part of the submission, but the computerized model that I  
14 showed you initially was somewhat of an attempt or was  
15 definitely an attempt to look at that context and I don't know  
16 if it was included in the initial package that you received.

17 COMMISSIONER MAY: It was not, and it was great to  
18 see it. I really do appreciate that.

19 MR. MOORE: Mr. May, the zoning regulations apply  
20 to both squares. Would the commission be interested in seeing  
21 that through elevation on both squares?

22 CHAIRPERSON MITTEN: Yes. Thanks. Mr. Hood.

23 VICE CHAIRPERSON HOOD: Madam Chair, I just have  
24 one or two questions. Mr. Barber, you mentioned earlier about  
25 doing this development of attracting students to live on campus.

1 I'm not sure. You mentioned that a few minutes ago, so I'm not  
2 sure. It's not exactly fresh in my mind.

3 Is there a program set up, and which students are  
4 you trying to attract? Because obviously there are some issues  
5 overrun within the surrounding neighborhood. Is there a program  
6 in place to maybe try to go after some of those who are  
7 overrunning in the surrounding ? I know you can't pressure  
8 anyone to move on campus, but is there any plan or  
9 implementation to try to get some of those who are overrunning  
10 in the community to come back inside the campus boundary?

11 MR. BARBER: I appreciate that. I want to take an  
12 initial stab at it and I'm going to ask Dean Donnels to  
13 elaborate. The campus plan order of March 29<sup>th</sup> does require the  
14 university to require of its freshmen and sophomores, with  
15 certain exceptions, to reside in university housing. And so we  
16 are forcing, if you will, certain ? we already had a high  
17 percentage of those students on our campus, but particularly as  
18 sophomores the percent will increase.

19 So what we're trying to do, I think, is  
20 attracting the juniors and seniors. That's the population that  
21 we need to attract and that is why we're paying particularly  
22 close attention to things like the technology, the wiring and  
23 have this be attractive apartment-style housing or affinity  
24 housing.

25 MS. DONNELLS: In fact, these properties become

1 more attractive to students than the residential apartment  
2 buildings nearby. As I mentioned before, the use of the  
3 Internet by college students and undergraduates is integral to  
4 their being at this point in time, and the university is able to  
5 provide high speed fiberoptic connections to the Internet in  
6 these buildings, plus other amenities, like college students  
7 expect at this point in time.

8 So whereas years ago students couldn't wait to  
9 move off campus, now they more and more want to be on campus,  
10 because what we have for them, particularly at the time in their  
11 life that they are students and using academic resources and  
12 researching and communicating in this way, they want to be in  
13 our buildings. So the more buildings that are state of the art  
14 that we have, the more they want to stay with us.

15 So our programs really are to require and keep  
16 undergraduate students on campus in campus housing. We also  
17 have programming for the students that is enriching. We make it  
18 desirable. We've created living and learning communities. The  
19 affinity housing will allow us to expand upon that, reasons why  
20 students find value in living on campus, and we strive to do  
21 that.

22 VICE CHAIRPERSON HOOD: Ms. Donnels, I believe.

23 MS. DONNELLS: Yes.

24 VICE CHAIRPERSON HOOD: Can you give me ? help me.

25 Can you give me another example besides the Internet, because

1 there are a lot of things I can be off campus and I can get  
2 quick access to the Internet, Direct TV, DSL, whatever. But can  
3 you give me another example?

4 MS. DONNELLS: I think more and more students are I  
5 guess feeling the closeness to university resources are  
6 important. We're an urban campus. Students come to GW. They  
7 use the compact nature of the campus, the recreational  
8 opportunities, the library. What we do actually living on  
9 campus in our housing program, we provide things that are  
10 complementary to their academic programs.

11 We have, as I mentioned, this living and learning  
12 concept. So not only are you working on your major by going to  
13 courses, you're living some aspects of that through the  
14 programming in the residence halls, sort of building on that.  
15 So, through volunteerism, through focusing on say international  
16 affairs and international affairs community, they might work in  
17 depth at the topic that they're interested in. We're able to  
18 enrich and draw people into that, and we've kind of made a  
19 specialty of that.

20 VICE CHAIRPERSON HOOD: Okay, thank you.

21 MR. BARBER: I'd like to quickly add. We would  
22 have a strong economic incentive to fill these beds once the  
23 building was built. So, you know, if we're finding we're having  
24 difficulty attracting students, then we have to look at our  
25 program to see what we can do to bring students there. Because

1       once we have the building, we want the beds filled. It's not  
2       cost effective to have empty beds.

3               VICE CHAIRPERSON HOOD: Okay. Mr. Moore, I guess  
4       this question ? thank you. This next question is for you.

5               MR. MOORE: Yes, sir.

6               VICE CHAIRPERSON HOOD: Have you had a chance to  
7       peruse the ANC's letter?

8               MR. MOORE: Yes, I have.

9               VICE CHAIRPERSON HOOD: I actually thought when I  
10       first read it, first glanced at it this was a support letter.  
11       But Condition #6 told me otherwise. Has your client looked at  
12       this letter and agreed or is willing to come halfway or proffer  
13       an offer, or come to the table with any of these  
14       recommendations, one through five?

15              MR. MOORE: That's a Mr. Barber question.

16              VICE CHAIRPERSON HOOD: Oh, okay.

17              MR. BARBER: We have looked at it. I'd like to  
18       look at it again.

19              VICE CHAIRPERSON HOOD: Again Mr. Barber, like  
20       I've stated in another case, this is I believe part of  
21       coexisting from what I see here in the ANC letter.

22              (Background conversation)

23              MR. BARBER: Do you want me to go over each of  
24       these?

25              VICE CHAIRPERSON HOOD: No, have you seen it

1 previously?

2 MR. BARBER: I have seen it.

3 VICE CHAIRPERSON HOOD: If not, maybe what we can  
4 do because I think we're probably going to have some followup,  
5 we don't necessarily need to do it today, but I'm just curious  
6 where the university is on one through five, because that's when  
7 six comes into play.

8 MR. BARBER: Right.

9 VICE CHAIRPERSON HOOD: We don't have to do it  
10 now.

11 MR. BARBER: I've seen these and I have a position  
12 on it, but however you want to do it.

13 VICE CHAIRPERSON HOOD: Can we submit that at a  
14 later time and take them individually.

15 MR. BARBER: That's fine. We'll submit that.

16 CHAIRPERSON MITTEN: Thank you.

17 VICE CHAIRPERSON HOOD: My next ?

18 CHAIRPERSON MITTEN: I'm sorry. Keep going  
19 hopefully.

20 VICE CHAIRPERSON HOOD: I'll know not to ask any  
21 questions. Anyway, Mr. Slade I want to ask you a quick  
22 question. Part of this application is adverse impact, and I  
23 guess I want, because I'm under the gun here, you can give me a  
24 yes or no answer.

25 CHAIRPERSON MITTEN: Take the time you need.

1 VICE CHAIRPERSON HOOD: Is there a traffic problem  
2 in this area?

3 MR. SLADE: We're in a city. There's traffic  
4 congestion in the city.

5 VICE CHAIRPERSON HOOD: You can't answer that with  
6 a yes or no answer. So obviously, there's a traffic problem in  
7 the area. I guess I'm looking here in the Office of Planning's  
8 report, where it says the university traffic expert, Gorow Slade  
9 Associates, has concluded there would be no objectional or  
10 adverse traffic impacts to adjoining nearby properties as a  
11 result of development of this dormitory.

12 I would rather have seen a report ? and I know in  
13 your traffic report you made recommendations. But I've sat here  
14 and watched it. I'm not picking on you, but I'm going to start.

15 I've seen a lot of traffic reports and every applicant's  
16 traffic consultant comes in and says there's no traffic problem.

17 And I'm not picking on you, but I just think I  
18 would be better served to say, there's a problem but this is how  
19 we can deal with it. I would come out front and tell me there's  
20 a problem.

21 MR. SLADE: Mr. Hood, can I comment?

22 VICE CHAIRPERSON HOOD: Are you sure you want to?

23 MR. SLADE: Yes, I do.

24 VICE CHAIRPERSON HOOD: Okay.

25 MR. SLADE: And this is in the idea of exchange of

1 views on this. We're in downtown Washington, D.C. We're in a  
2 big city, the fourth biggest city in the United States. There's  
3 going to be a lot of traffic. The university is part of that  
4 and suffers with it as the community does too.

5 The university, as a result of interaction with  
6 the Zoning Commission and the BZA, has taken extraordinary steps  
7 toward its demand management program to provide the right amount  
8 of parking, to insure the parking is priced to induce people to  
9 use it and not park on the streets, to use public transportation  
10 and so forth and so on.

11 We went through this in great detail with the  
12 campus plan. I think the university is doing everything it can.

13 If the university's traffic was cut in half, there would still  
14 be traffic congestion here. Eight-five percent of the traffic  
15 on these streets is not university traffic.

16 We studied that during the campus plan and I  
17 think proved it, certainly to my satisfaction, and we could  
18 resubmit that information.

19 VICE CHAIRPERSON HOOD: I understand it Mr. Slade,  
20 but my point is I guess up front tell me there's a traffic  
21 problem, but this is the issue. These are the issues. This is  
22 how we're trying to mitigate our development.

23 MR. SLADE: I didn't mean to vacillate on that  
24 answer. I wanted to say no, but I want to give you a credible  
25 answer. I've lived in the city for 31 years, and I've lived in



1 Chicago before that, and it's a matter of what urban people  
2 accept that they're going to live with as far as traffic. But  
3 yes, it's not moving as freely as we would all like it to be,  
4 but I think that's the facts of being in a city.

5 VICE CHAIRPERSON HOOD: And that's all I'm asking  
6 for Mr. Slade. All I'm asking for is for that, what you just  
7 said, I would like to have read that and then I could have dealt  
8 with it a little better. But anyway, thank you. Thank you,  
9 Madam Chair.

10 CHAIRPERSON MITTEN: Any other questions from the  
11 commission?

12 COMMISSIONER PARSONS: Now I do. I was going to  
13 wait until the ANC report was made, but I think it would be  
14 helpful to me tonight in your closing remarks or rebuttal or  
15 however you want to do it to address these points.

16 MR. SLADE: I can do it now.

17 COMMISSIONER PARSONS: Because if you're to comply  
18 at all with some of these, I mean you've got a different case  
19 obviously. It's completely, I mean #2 for instance and #3 are a  
20 complete redesign of the project.

21 MR. MOORE: Mr. Parsons, we can respond to that  
22 now.

23 COMMISSIONER PARSONS: Well, I think in fairness,  
24 let's wait for the ANC to make their presentation.

25 CHAIRPERSON MITTEN: Anything else? Okay, we'll

1 go to cross examination by the ANC.

2 MS. ELLIOT: Good evening Madam Chair, my name is  
3 Elizabeth Elliot and I'm chair of ANC-2A. I guess I wanted to  
4 ask. I'm kind of going to be all over the map here in this. I  
5 guess Mr. Einhorn on the Square 57 affinity housing, is that  
6 bust of GW, of George Washington, is that going to be in public  
7 space?

8 MR. KLEINROCK: I'm not Mr. Einhorn, but he is my  
9 partner.

10 MS. ELLIOT: Oh, I'm sorry. Okay.

11 MR. KLEINROCK: Yes, it's in public space.

12 MS. ELLIOT: Okay.

13 MR. MOORE: I think in addition to that answer,  
14 it's already there.

15 MS. ELLIOT: It is.

16 MR. MOORE: Yes.

17 MS. ELLIOT: You're just going to build around it?

18 MR. MOORE: Yes.

19 MS. ELLIOT: I couldn't tell from the drawings  
20 because I go by it fairly often, but it looks like it's more on  
21 the corner rather than in the drawings, it looks like it's  
22 coming out more to the street, but I guess not. All right.

23 I had a question about the traffic, two questions  
24 about the traffic. You said you did the study in September and  
25 as you know, there's a major renewal project with the bridges

1 over 23<sup>rd</sup> Street there, and I actually drive across those  
2 intersections and there's pretty much not a lot of traffic going  
3 over them because of that. Did you take that into  
4 consideration?

5 MR. KLEINROCK: We did because we've been doing  
6 studies at the university for about eight years. We did make  
7 some adjustments in our traffic counts to take that into  
8 account, yes.

9 MS. ELLIOT: But you're also saying in your report  
10 that you didn't take those into consideration for the future, is  
11 that correct? It wasn't ? I can't even ? that hasn't been taken  
12 into ? you're just taking it in for now to design the project,  
13 but you don't know what the impact will be in the future once  
14 it's finished?

15 MR. KLEINROCK: Our forecasts take into account  
16 the future traffic that will be flowing on these streets as a  
17 result of new projects that are being constructed in the area  
18 that influences these streets. Then we assume the streets will  
19 be, the lanes and the traffic signals and so forth will be  
20 arranged in accordance with how Public Works tells us they will  
21 be arranged. So we do take into account what's known at this  
22 time.

23 MS. ELLIOT: Okay, thank you. I had one question  
24 about the pedestrian traffic. You talked about going to another  
25 dormitory and studying that, and our concern at the ANC was not

1 so much the amount of pedestrian traffic, although that was an  
2 issue with the 700 students being located on the western side of  
3 23<sup>rd</sup> Street.

4 But just our experience, for example, in my  
5 single member district, I live near Thurston and Mitchell and  
6 there are about 1,300 students coming out of those dorms all day  
7 long on and off, and the preferred mode of pedestrian conveyance  
8 is jaywalking. I mean they just don't use the intersections,  
9 except if they happen to run into them on their way through the  
10 campus. And they do a lot of cutting through and we were  
11 concerned and we spoke about this at the meeting and also in our  
12 resolution that even ? there have been some articles in the  
13 student publications about this whole issue, that there's ? and  
14 ?

15 CHAIRPERSON MITTEN: Can you get to the question,  
16 please?

17 MS. ELLIOT: Oh, the question is just why are you  
18 dealing with it? I mean how are you dealing with it?

19 MR. KLEINROCK: It was raised at the ANC meeting.  
20 We think these projects, in particular the Square 43 project  
21 which is 700 plus beds, has been designed in a way that it at  
22 least brings the students to the intersection which is  
23 signalized of 23<sup>rd</sup> and G. So we're starting them out at the  
24 right location so they'll make their street crossings at a  
25 signalized intersection.

1 But the university is very aware and has had us  
2 do some pedestrian safety work elsewhere on the campus. It's an  
3 ongoing issue that the university, you know, is quite aware of  
4 and we're working with them to try to address.

5 MS. ELLIOT: All right, I just wanted to mention  
6 that because that particular intersection, I mean at least on F  
7 Street between 19<sup>th</sup> and ?

8 CHAIRPERSON MITTEN: Could you leave this part for  
9 your testimony?

10 MS. ELLIOT: Oh, I'm sorry.

11 CHAIRPERSON MITTEN: Just ask questions right now.

12 MS. ELLIOT: I'm sorry, excuse me. That's it as  
13 far as traffic. I think that concludes my questions. Thank you.

14 VICE CHAIRPERSON HOOD: Madam Chair, can I just  
15 correct the record. I want to apologize. I don't make too many  
16 mistakes, Mr. Slade, but I make maybe one or two a year. No,  
17 I'm just playing. I want to apologize, it is in the record on  
18 level of service. It's not exactly you do have to dig for it,  
19 but it is in there, so I will apologize to you on that. I've  
20 omitted it but I want to see it in plain layman's terms. Thank  
21 you.

22 CHAIRPERSON MITTEN: Is Dr. Kreuzer here or his  
23 representative, Jonathan Farmer?

24 MR. FARMER: Yes.

25 CHAIRPERSON MITTEN: Would you like to ask any

1 cross examination questions.

2 MR. FARMER: No questions.

3 CHAIRPERSON MITTEN: Okay, thank you. Then we'll  
4 move to ? thank you all. We'll move to the report of the Office  
5 of Planning. And before we do that, we have two waivers from  
6 the Office of Planning requesting that we waive our rules, two  
7 requests for waivers that we waive our rules to accept their  
8 late submission. So are there any objections to waiving our  
9 rules for the Office of Planning Report.

10 MR. MOORE: Applicant has no objection.

11 CHAIRPERSON MITTEN: Thank you. Please proceed  
12 Mr. Fondersmith ? I'm sorry.

13 MS. ELLIOT: I'm sorry, Madam Chair, we just  
14 received that report today which has given us little or no time  
15 to take a look at it. So I just wanted to let you know that.

16 CHAIRPERSON MITTEN: Okay. Then I'm going to ask  
17 Mr. Fondersmith maybe to go into just a little bit more detail  
18 than you might have otherwise, so that the ANC can understand  
19 fully what's in there in case they have any questions that  
20 they'd like to ask.

21 MR. FONDERSMITH: Thank you, Madam Chair, and  
22 members of the commission. I'm John Fondersmith from the Office  
23 of Planning, and with me is Alan McCarthy, the Deputy Director  
24 for Development Review in the Office of Planning.

25 I think before we begin individually, it's useful

1 to look at the ortho map that we have given you and reflect on  
2 the change that has taken place recently in this area and the  
3 change that is going to take place as a result of these two  
4 buildings in at least one of the cases that will be heard next  
5 week.

6 The photograph that we've given you was taken  
7 approximately two and a half years ago in mid-'99 and we might  
8 just note that since then, on the university campus in the area  
9 shown, the Wellness Center has been completed, shown as  
10 construction there.

11 The garage addition, which is up on the parking  
12 garage, the new hospital which is not actually labeled on the  
13 drawing, the mid-campus quad and the Media Center, which is just  
14 on the edge of the drawing. And there's other things going on.

15 These two cases before you tonight, of course, on  
16 the new dormitory on Square 57 and right across the street, the  
17 proposed new dormitory on Square 43 make a substantial change in  
18 this area and next week, a week from tonight, you'll be dealing  
19 with the Funger Hall addition, and then a much smaller case on  
20 enclosure of terraces.

21 So, it is important to think about how these all  
22 fit together. A really kind of different campus is emerging,  
23 and of course the impacts on the surrounding area.

24 Let me deal first with the affinity dormitory on  
25 Square 57. We recommend approval of this project. We did

1 indicate that we had some concern, and it's a fairly minor  
2 concern I guess, about the architectural design of the building.

3 And we did want to lift up, which the university has lifted it  
4 and addressed, at least in part, the importance of 23<sup>rd</sup> Street  
5 and Virginia Avenue as special streets, which are called out in  
6 the comprehensive plan.

7 And the important thing about this is that these  
8 streets, and there are many number of special streets in the  
9 city, the comprehensive plan talks about these, but it's not  
10 really clear what constitutes for each special street what  
11 should be done. I mean that's not in there.

12 Since these were outlined in the early '80s,  
13 we've had really from a little bit before that time, we've had  
14 some special streets done. The best example, of course, is  
15 Pennsylvania Avenue between the Capitol and the White House and  
16 some other studies done.

17 This is an opportunity for the university as it  
18 develops a refined streetscape plan the BZA has mandated, to  
19 look at 23<sup>rd</sup> Street and Virginia Avenue in association with the  
20 city and the community, and say just how does all this fit  
21 together? 23<sup>rd</sup> Street, of course, extends from Washington  
22 Circle down to the Lincoln Memorial, and a good part of that is  
23 within the GW campus.

24 And we always have to understand that because GW,  
25 George Washington University is an urban campus, it's not just



1 the campus of the university per se. It's an integral part of  
2 the city and the neighborhood, and the Foggy Bottom  
3 neighborhood. So some of these relationships are very important  
4 in a number of ways.

5 We describe in both of the reports the  
6 surrounding area around each site, and of course, the bottom  
7 line is that for the most part, at least to the east and to the  
8 north and somewhat to the west, you're dealing with other  
9 university properties. You're dealing with squares around these  
10 sites that are either all university properties or mostly  
11 university properties.

12 To the south, as you can see on the photograph in  
13 the large photograph that's on display here, of course you have  
14 the Pan American Health Organization and then Columbia Plaza.  
15 Let me mention incidentally, that there's an unfortunate slip on  
16 the photograph that Remington, which of course we know and have  
17 corrected in the report, is labeled as the Wellington on the  
18 photograph. Just remember that.

19 We had on this first one, Square 57, we had some  
20 concerns about how the building is going to be serviced; that  
21 is, essentially especially the trash and the garbage collection  
22 in the area in the rear, which I think there was a question  
23 about that. The university addressed that somewhat, but that's  
24 going to be an important management concern or ongoing  
25 management with this dormitory, because that's a fairly narrow

1 space between the dormitory, the various townhouses, and the  
2 Smith Center.

3 And then we go through and talk about it. As the  
4 university indicated, this is a new proposal. It was not in the  
5 campus plan as submitted, and they've added it to add more  
6 housing and we think that's a good thing.

7 On the urban design, on the building design, this  
8 is an important site obviously. This building and the new dorm  
9 across the street are really, as you can see, kind of the  
10 gateway, the southern gateway on 23<sup>rd</sup> Street into the community.

11 We've had some conversations with the architect.

12 We know that ? with Mr. Kleinrock, that there's  
13 been looked at various other examples of townhouse development,  
14 large townhouses around the city, and we just had some concern  
15 really, I think more with the lower part of the building and  
16 getting something that didn't look institutional there, even  
17 though it is a university dormitory.

18 I have to say that the drawings here tonight,  
19 which are a little refined over what we had seen before, I think  
20 give a greater sense of comfort or a greater sense of  
21 establishing a character at this location. And as we note, and  
22 as the university has said of course, this is going to be  
23 subject, as will the other dorm, to further review by the  
24 Commission of Fine Arts.

25 We mentioned the streetscape plan before. As

1 that goes forward, an according to the status reports, that's  
2 kind of in the draft stage, it will be important to have some  
3 further dialog with the Office of Planning and DPW and the  
4 community. We need to, I think, thin about what is the  
5 character of this special street, and that's both the building  
6 and the streetscapes. And the question that was raised, how  
7 does that affect the width of the sidewalk in conjunction with  
8 these dormitories.

9 You have, as far as transportation, you have the  
10 testimony from Gorow Slade and you have also the report from the  
11 Department of Public Works approving both, recommending approval  
12 of both projects.

13 We go through the various tests for the special  
14 exception. I think in respect to the comprehensive plan, the  
15 big concern of course in the Ward 2 section of the comprehensive  
16 plan has been the housing issue with the university and the  
17 impact of housing spilling out into the Foggy Bottom community.

18 And frankly, we think that at this point, having the housing of  
19 these two dormitories and getting that much of a start is a step  
20 in the right direction.

21 I think that the main things about the project on  
22 Square 57, we kind of summarized what we received from the ANC  
23 and community groups, but of course they'll speak to that  
24 themselves. So let's go across the street then to the other  
25 one, which of course is a more complex ? it's a bigger building,

1 kind of a more complex issue because of several things, and I  
2 think you've gotten a pretty good idea about the layout of the  
3 building, both in design and in transportation. We can, of  
4 course, elaborate that or the university can .

5 The building has a design that is reflective of  
6 the New Hall and of the Wellness Center. In other words, this  
7 is a design type that the university has been developing and  
8 kind of is going to mark the entrance to George Washington  
9 University. It's a kind of classical inspired facade with ?  
10 it's hard to tell exactly what to call it. Maybe it's kind of a  
11 modern. We thought about modern Georgian, but that's not a good  
12 term really.

13 But at any rate, there's a design vocabulary that  
14 the university is developing, and one of the important points I  
15 think they made in their submission is that this building will  
16 be seen from various points in the community and the campus. So  
17 that there are no kind of blank walls, no unfinished elevations.

18 And they put in these design features to try to give a sense of  
19 place. This also, because of the design frontage on Virginia  
20 Avenue, the building frontage on Virginia Avenue will have  
21 Commission of Fine Arts review.

22 Our concern with the streetscape is here again.  
23 We recommend, I'll jump ahead a little bit, but we recommend  
24 that the university in preparing the streetscape plan, go ahead  
25 and prepare obviously in concert with the neighbors, a

1 streetscape plan for the entire square, because this square is  
2 being changed because of what's going on and obviously we need  
3 to think about how that all works together.

4 The university has described that this was  
5 originally not shown in the campus plan because it was outside  
6 the campus boundary and now it's been brought in, so it will be  
7 in the campus plan. The biggest design issue I think here is  
8 the relationship of this building, which is a high rise building  
9 by Washington standards, to the three remaining townhouses.

10 Dr. Kreuzer's townhouse is there at Virginia and  
11 23<sup>rd</sup>, and the university and their architect has attempted with  
12 the precast, with the two-story base of the building both to  
13 provide a base to the building, but also to relate the building  
14 to those townhouses. And yet, you know we can't help but say  
15 there is a difference in scale here, and the ANC has suggested  
16 reducing the scale or adding townhouse facades and so on.

17 We basically feel that this square is in  
18 transition and that if we're going to get the housing here, we  
19 have to go, it's appropriate for the university to go to a  
20 larger, higher building. Obviously then, you're going to have  
21 to try to make the adjustments as they have to the remaining  
22 townhouses. There's this issue that's been raised and discussed  
23 somewhat here about the promises, whatever was done and how the  
24 building related to the buildings that remain.

25 And obviously, in the construction process, there

1 will have to be special care and precautions to avoid impact on  
2 the townhouses. There's going to be excavation down two and a  
3 half levels, and so that will be very important to do there.

4 There's also the question about the  
5 transportation impacts of the access from Virginia Avenue, and  
6 we understand the reasons why the university is coming in off  
7 Virginia Avenue, the low point, the problems they talk about  
8 with the design coming off G, which in some ways would have  
9 been, we think a better way to bring in both the parking and the  
10 loading.

11 But we understand the things that have brought on  
12 the access off Virginia Avenue. What that requires is,  
13 therefore, or the issue it brings up is how the access off the  
14 service lane, and this is where the service lane of Virginia  
15 Avenue, dropping down from 23<sup>rd</sup> Street is kind of merging with  
16 the main traffic that's coming through the tunnel. And there  
17 has been the concern raised, and I think it was addressed in the  
18 Gorow Slade report, about people on the main lanes of Virginia  
19 Avenue coming through there and turning across the service lane  
20 to get into the parking garage.

21 Gorow Slade suggested flexible barricades, in  
22 other words, these flexible pylons there to separate there.  
23 There certainly needs to be more discussion with DPW on just  
24 what goes there, and DPW has requested a more detailed site  
25 access drawing. There will also be probably at least one, maybe

1 two parking spaces will have to be removed on Virginia Avenue to  
2 allow that access. So there's a little bit more work to be done  
3 there, which the commission should be mindful of in terms of  
4 traffic indications.

5 Now in terms of impacts, and this perhaps kind of  
6 gets also to the jaywalking question, but in terms of activity  
7 on the streets and some noise, I think we feel that there will  
8 be, obviously there will be more additional activity with 700  
9 students there over what there is now, where it's a vacant lot.

10 We basically feel that this is an urban situation and that that  
11 can be ? I mean that's part of the scene and that can be  
12 managed. There may be, if there are noise problems, there may  
13 be some policing or student management, just routine kind of  
14 management issues that have to be dealt with.

15 Basically on the pedestrian issue, again this is  
16 as has been said, it's in the center of the city. We might  
17 reflect that over the last 40 or 50 years there have been  
18 various ideas about city traffic and pedestrian traffic. I  
19 mean, we've had things like the super block idea or pedestrian  
20 overpasses over streets and so on. And basically, we kind of  
21 come back to the thought that the old-fashioned, if you will,  
22 grid system in a city works pretty well.

23 So we basically think that the pedestrian  
24 movements can be managed here, won't be a big problem. There  
25 may be some education needed about the jaywalking or so on, but

1 that the pedestrian movements should not be that much out of the  
2 ordinary in an urban setting.

3 I think those are the main kind of comments that  
4 we wanted to make about the second dormitory. Basically we feel  
5 that going for a large number of students here on campus at this  
6 location, and of course you've got Columbia Plaza across the  
7 street. You've got other high rise buildings in the vicinity.  
8 It's an appropriate undertaking at this time. It does represent  
9 a change from the thinking of the last campus plan where this  
10 was going to be a kind of low buffer, and that has not happened  
11 and so we're dealing with the situation the way it is today.

12 CHAIRPERSON MITTEN: Thank you Mr. Fondersmith.  
13 Let me see if any of the commissioners have any questions for  
14 you. Any questions? Mr. Moore, any questions? How about Ms.  
15 Elliot, any questions? Dr. Kruezer, any questions? Okay, thank  
16 you Mr. Fondersmith.

17 The Division of Transportation, anybody here? We  
18 have their report that's been filed. And now we'll move to the  
19 report of the ANC.

20 MS. ELLIOT: Good evening, Madam Chair. My name  
21 is Elizabeth Elliot and I'm here representing ANC-2A and Foggy  
22 Bottom West End Advisory Neighborhood Commission this evening.  
23 As I said, I'm Elizabeth Elliot, residing at 532 20<sup>th</sup> Street,  
24 N.W. and I'm here today representing Foggy Bottom ANC-2A as its  
25 chair on the two above-titled cases and I will be very brief.



1           One thing I wanted to inject in this otherwise  
2 optimistic proceedings is the ANC does strenuously object.  
3 There are a number of references in both of these cases and we  
4 request that they be expunged to GW use Elliot School project,  
5 which is Zoning Case #01-17MM/93-5F91-18P PUD AGC. That is the  
6 AGC PUD case begun on November 15, 2001, and it's pending before  
7 this commission and the hearing has been continued until  
8 January, 2002. And we feel this is an attempt by GW to  
9 bootstrap this AGC case improperly into this proceeding and we  
10 would ask that those brief references be expunged from these two  
11 cases.

12           CHAIRPERSON MITTEN: We won't formally remove  
13 anything, but I can assure you that the commission is well aware  
14 of the fact that that case has yet to be decided.

15           MS. ELLIOT: Thank you.

16           CHAIRPERSON MITTEN: Thank you.

17           MS. ELLIOT: In a related matter, GW is well aware  
18 of ANC-2As position on the Board of Zoning Adjustment 2001-2010  
19 proposed campus plan order 16553E, which GW has incorporated  
20 into its applications. ANC-2A adopts its comments and  
21 objections to the BZA 2001-2010 proposed campus plan order by  
22 reference and they're attached to this statement that I've just  
23 handed to you.

24           Included in your files is ANC's November 13, 2001  
25 resolution 01-11F, Attachment 2, which you have in your files.

1 I wasn't sure whether you had gotten that or not, but I've  
2 reattached the final resolution here conditionally supporting GW  
3 use to above title projects.

4 The primary basis for our conditioning of these  
5 two projects is the ANC commissioners believe that at least two,  
6 if not three, of the Foggy Bottom West End single member  
7 districts have moved beyond Office of Planning Director Andrew  
8 Altman's off-coded tipping point and have been converted to de  
9 facto GWU campus.

10 Due to an inordinate number of projects and  
11 issues coming before the commission for the past eleven months,  
12 ANC-2A has not had the time nor the resources to prepare a  
13 report or provide supporting documentation for our resolution on  
14 these two projects. And as I mentioned earlier, in addition  
15 ANC-2A did not receive the Office of Planning's report on these  
16 cases until today, nor copies of the applicant's statement until  
17 December 1<sup>st</sup> after ANC-2As November 13<sup>th</sup> public meeting.

18 The ANC respectfully requests that any applicable  
19 rules be waived and that the record on these cases be left open  
20 so that we may submit such documentation. And in closing, the  
21 home rule charter for the District of Columbia gave the ANCs the  
22 power to represent local residents in expressing community  
23 concerns before District and Federal agencies and the courts  
24 upheld and confirmed that the position taken by the commission  
25 should be given great weight.

1                   If the ANC's position is not upheld, the  
2 commission is to be presented with a written statement as to why  
3 this is not possible. At this time, I'll try to answer any  
4 questions you might have about a resolution. Thank you.

5                   CHAIRPERSON MITTEN: All right. Let me just begin  
6 before I move to the questions from the commissioners. What  
7 kind of time frame do you think you would need in order to  
8 respond adequately to the applicant's submission and the Office  
9 of Planning Report and, I assume we'll include in that the  
10 report by DPW.

11                  MS. ELLIOT: Yes, we didn't receive the DPW report  
12 either.

13                  CHAIRPERSON MITTEN: Okay.

14                  MS. ELLIOT: Just in passing.

15                  CHAIRPERSON MITTEN: Well I think if nothing else,  
16 Mr. Bastida will assist you in getting copies of that. Again,  
17 what kind of a time frame are we talking about?

18                  MS. ELLIOT: Would you have a suggestion or  
19 recommendation? We would be fine with that.

20                  CHAIRPERSON MITTEN: Well, it's really, I mean ?

21                  MS. ELLIOT: oh, our time.

22                  CHAIRPERSON MITTEN: You were expressing the fact  
23 that you don't have the time or the resources, so I'm trying to  
24 accommodate you, but I need to ?

25                  MS. ELLIOT: A week.

1 CHAIRPERSON MITTEN: Oh, there will be sufficient  
2 time for that. Maybe you need to confer with your fellow.

3 MS. MILLER: No.

4 CHAIRPERSON MITTEN: Maybe you need to confer with  
5 your fellow commissioners. Would you like to do that for a  
6 moment?

7 MS. ELLIOT: All right.

8 CHAIRPERSON MITTEN: Okay, thank you.

9 MS. ELLIOT: Thank you.

10 (Background conversation)

11 MS. ELLIOT: Madam Chair, they're requesting a  
12 slight bit more time and wondering if we could keep this open  
13 until the 1<sup>st</sup> of January, the beginning of the year.

14 CHAIRPERSON MITTEN: Okay. Let's get ? I'll write  
15 that down. Mr. Moore's going to think about it and we'll just  
16 proceed and then when we get to the end and we're setting  
17 timetables, we'll see what the timing looks like. But at least  
18 we got your position.

19 Now we'll move to the questions from the  
20 commission. Mr. Hood.

21 VICE CHAIRPERSON HOOD: Yes, Madam Chair, thank  
22 you. I just have one question. Ms. Elliot, in Mr. Barber's  
23 comments he mentioned about attracting students from the  
24 surrounding neighborhood into the campus boundaries. I don't  
25 know all the history, which is what I believe some of the issues

1 that have been taking place down in that area.

2 But when I look at the ANC letter, there are a  
3 lot of things that you're also asking for. Isn't the bottom  
4 line goal to try to alleviate the surrounding area of the  
5 students and let's put them all back on campus? I'm not saying  
6 that's how it's done, but isn't that one of the goals and what I  
7 see here, I would have to agree with my colleague, Commissioner  
8 Parsons, why we gave Mr. Barber more time and I don't know where  
9 we're going with that. The proposal here now is a whole new  
10 plan.

11 MS. ELLIOT: I'll answer your first question.  
12 Actually there are two goals. One is to house as many students  
13 as possible within the campus boundaries. But one of the other  
14 goals from the neighborhood's perspective is to reduce the  
15 overall enrollment, and we talk about that in the document that  
16 I just gave to you, our responses and objections to the BZA  
17 Order.

18 We're kind of caught between a rock and a hard  
19 place because we're talking about two building right now in  
20 isolation and you mentioned that. And there is the whole  
21 neighborhood to consider and we do ? we are at capacity as far  
22 as we're concerned.

23 I mean we ? almost every major building, rental  
24 building in the area, if not all the rental buildings have  
25 become de facto dormitories, and running anywhere from 65 to 95

1 percent student occupied, depending on how you count that,  
2 whether it's by unit or by number of bodies in the buildings.

3 So it is a two-edge sword, and it's a two-part  
4 problem. And one of our contentions is that it is a university  
5 problem. I mean, the university is attractive to students and  
6 they have to house them, but it's now been laid on the community  
7 to solve part of that problem. So and as we mentioned, I think  
8 in our resolution, the university does use the neighborhood as a  
9 marketing tool also.

10 VICE CHAIRPERSON HOOD: But wouldn't it be better  
11 served to ? and I'm not putting in a position, I'm just asking a  
12 question so I can understand. Wouldn't it be better to make an  
13 attempt or to jumpstart this thing as far as bringing folks back  
14 into the campus, allowing them to have more bids. Isn't that a  
15 start as opposed to just saying, look we're against this. We  
16 don't want it.

17 So we then become back at Square One instead of  
18 just throwing it out the window. Would it be better advised to  
19 let's try to work with this program and improve upon that, as  
20 opposed to just saying no?

21 MS. ELLIOT: I agree with you and I think we did ?  
22 this resolution was created by a committee. It's that joke  
23 about the elephant and the blind men. Yes, we do agree with  
24 that and I think part of our point in that was to also give the  
25 history of the squares too, because we wanted to not lose all of

1 our history down in Foggy Bottom, which we feel a lot of that  
2 has happened and is not being turned back. I mean there's no  
3 way we can go back at this point, but no we agree with that.

4 VICE CHAIRPERSON HOOD: Okay, thank you.

5 CHAIRPERSON MITTEN: Any other questions?

6 COMMISSIONER PARSONS: Yes, I do.

7 CHAIRPERSON MITTEN: Mr. Parsons.

8 COMMISSIONER PARSONS: Ms. Elliot, I have two  
9 questions. First is, do you think with the creation of this  
10 many beds, that there will be a change in the apartment  
11 buildings that you just described, or will they remain at 85  
12 percent filled with students? I mean, do you expect some kind  
13 of a shift out of your residential stock into the university?

14 MS. ELLIOT: I suppose that would be a positive  
15 outcome, but I'm ?

16 COMMISSIONER PARSONS: No one knows until they're  
17 up, right?

18 MS. ELLIOT: Right.

19 COMMISSIONER PARSONS: Now, I'm having trouble in  
20 your resolution seeing ? maybe I've read it too quickly, what  
21 the rationale is for the proposed change from 700 to 350. What  
22 is it about this project that brings you to that conclusion?

23 MS. ELLIOT: Well it originally started out if you  
24 notice in the resolution when it originally came in front of the  
25 BZA back in '99, I believe that was what the proposal was. It

1 was for 350 beds on that square, and I believe Mr. Barber or  
2 someone talked about that here tonight. And then, a year after  
3 that, a year from today or September of 2000, it got up to 500  
4 and then when they came in front of the community back in  
5 October or November, it was 700. And it's a big chunk of  
6 students in one place.

7 COMMISSIONER PARSONS: So this isn't a result of  
8 any analysis of the building or what it would look like at 350  
9 beds? It's just relying on the campus plan, your position?

10 MS. ELLIOT: Well yes and no, because we also  
11 looked at the building and the size of the building. I mean  
12 it's more than just ? that was one part of it and then we also  
13 looked at the building too, and the size of it and the scope of  
14 it and the scale of it.

15 Yes, it does relate to other GW buildings, but  
16 again we're losing this low townhouse fabric that Foggy Bottom  
17 originally was 100 years ago. Even the townhouses, we believe,  
18 are a little bit Rob Dygnagian compared to the average townhouse  
19 that's in the Foggy Bottom area.

20 I mean it was a working class neighborhood up  
21 until the turn of the century, I believe. And so the townhouse  
22 affinity housing is quite large. I mean it compares to the  
23 Allan Lee Hotel, but not the smaller townhouses that are in the  
24 neighborhood. I mean that was one of the architectural  
25 considerations.



1 COMMISSIONER PARSONS: Well I am confused. If  
2 you're suggesting that the 350 student beds that are moving from  
3 Virginia Avenue be placed over on 23<sup>rd</sup> Street as I understand  
4 it, you're also saying that the building proposed in Square 57  
5 is too big?

6 MS. ELLIOT: No, actually there was one  
7 commissioner that brought this up and we concurred with him that  
8 why even go for the facadicism or replication of it and why not  
9 just do something totally different and get the balance on both  
10 parts of the square.

11 And also, one of the other things that we looked  
12 at was the third project, which you'll be considering next week,  
13 which was the Funger Hall space, and we recommended that the  
14 shortfall from these two could go over there. I mean, we  
15 weren't ? all we were doing was bringing up the fact that  
16 originally this was a 350-bed project and now we have this huge  
17 mushroom that's twice the size of what it was originally  
18 proposed to be, plus a plot across the street and we're not  
19 opposed to any of these.

20 And then, we identified during the BZA hearings  
21 the potential for some development on Square 56, which is where  
22 the business school is going to go. And in fact, there's a lot  
23 on that square adjacent to another residential building. So  
24 that was our thinking on that.

25 COMMISSIONER PARSONS: So I guess I understand

1 this. Take the number of beds that are proposed in these two  
2 projects and spread them across three sites. That's your  
3 position?

4 MS. ELLIOT: Well, yes to some extent. Yes.

5 COMMISSIONER PARSONS: To some extent?

6 MS. ELLIOT: Yes. Even I'm confused.

7 COMMISSIONER PARSONS: Okay, thank you.

8 CHAIRPERSON MITTEN: Commissioner May, did you  
9 have?

10 COMMISSIONER MAY: Yes, to follow up on that, the  
11 Square 57, the statement about making up the shortfall from  
12 Square 43 on Square 57, which I believe Commissioner Parsons was  
13 alluding to there, seems to be qualified up to the maximum  
14 permitted under the prevailing zoning.

15 That's what the statement seems to say here, that  
16 you could make the building on Square 57 look larger up to the  
17 permitted zoning. And are you aware that they've pretty much  
18 max'd that out as it is right now? Or is it ? no ? yes, it's R-  
19 5-D which is an FAR of 3.5 and that building is in the 3.0 to  
20 3.5 range. So there really isn't any room to get that building  
21 any larger.

22 MS. ELLIOT: We weren't aware of that.

23 COMMISSIONER MAY: Okay.

24 CHAIRPERSON MITTEN: Commissioner May, just for  
25 your clarification. On a campus, there's this concept of

1 aggregating FAR.

2 COMMISSIONER MAY: Yes.

3 CHAIRPERSON MITTEN: So that no one site is  
4 necessarily limited to the density that the underlying zone  
5 would otherwise restrict it to.

6 COMMISSIONER MAY: I understand that.

7 CHAIRPERSON MITTEN: Okay.

8 COMMISSIONER MAY: But they were suggesting that  
9 Square 57 be increased to the point where it meets the  
10 underlying zoning and the building that is proposed already does  
11 meet the underlying zoning.

12 CHAIRPERSON MITTEN: Okay.

13 COMMISSIONER MAY: Okay. Just to make it  
14 absolutely clear, the way the resolution is worded in effect,  
15 you are opposed to both of these projects?

16 MS. ELLIOT: As presented.

17 COMMISSIONER MAY: Well, as presented. We don't  
18 have anything else presented, so you're opposed, okay. Can you  
19 say yes rather than nod your head.

20 MS. ELLIOT: Yes.

21 COMMISSIONER MAY: Thank you.

22 CHAIRPERSON MITTEN: I feel like since I've been  
23 through the mill on the campus plan and this, I just want to ask  
24 this question because it's troubling to me that the ANC would be  
25 opposed to this, very troubling to me. In fact, the ANC's

1 position on the campus plan overall was, put all the students on  
2 campus, which would require a very high level, high density  
3 residential throughout the campus wherever they could shoehorn  
4 people in, they'd have to put them.

5 So I guess, you know, I'd like some response  
6 about what kind of message do you send to the university?  
7 They're trying to accommodate the needs of the community, which  
8 is they want, everybody wanted the students on campus and  
9 they're trying to do that and they're trying to put as many on  
10 these two sites as the sites will allow with an appropriate  
11 design.

12 So I guess I'd like you to respond to that, keeping the totality  
13 of this in mind.

14 MS. ELLIOT: Well again, I'll answer that two  
15 part question. As I said, it was a difficult resolution to do  
16 because we were trying to get opposing views on this, and get us  
17 all to the point where we do want to support the university and  
18 housing their students on campus.

19 And again, as I said before, we also want them to  
20 reduce the number of students that they're bringing into the  
21 campus so that we don't, we aren't at this place where we've  
22 been for the past two years, which is feeling like we're being  
23 stepped over to accommodate the university's housing problem.

24 And the second part of this, I don't know how to  
25 respond to that because I think as I said we conditionally

1 supported this and I don't know how to ? I don't know what we  
2 can do to change the mind of the commissioners on that, the last  
3 condition.

4 CHAIRPERSON MITTEN: Okay, then maybe really all I  
5 wanted to do is make a statement which is, I'm disappointed in  
6 the ANC, because as you say we do have to give the ANC great  
7 weight and they put this commission in a very difficult position  
8 of having a university who is trying to accommodate the  
9 provisions of the campus plan, and then we have the ANC  
10 thwarting that. And it's just very troubling to me because as I  
11 say I have a special affinity for it because I went through the  
12 mill on the campus plan with everyone.

13 So, any other questions for the ANC? Mr. Moore,  
14 any cross-examination? Dr. Kreuzer, any cross-examination?  
15 Okay. Thank you.

16 MS. ELLIOT: Thank you.

17 CHAIRPERSON MITTEN: Now we'll take persons in  
18 support, and I don't have anyone on the list of witnesses that  
19 hasn't already spoken as being a proponent. Is there anyone  
20 here who'd like to testify in support? All right, then we'll  
21 move to parties in opposition and that would be Dr. Kreuzer.

22 And as you're getting settled there, I might say  
23 that you have 15 minutes to present, and since Dr. Kreuzer asked  
24 for party status, just in case 01-21CP, I would expect that the  
25 comments would be confined to the proposed dormitory on Square

1 43. Thank you.

2 MR. FARMER: Madam Chair, members of the  
3 commission. I'm Jonathan Farmer appearing as counsel for Dr.  
4 Kreuzer. Dr. Kreuzer is the owner of the three townhouses  
5 remaining on Square 43, known at Lots 7, 8 and 9. This  
6 particular project has left Dr. Kreuzer in somewhat of a  
7 difficult position. And after due consideration, Dr. Kreuzer  
8 has decided to stay located at his particular residence, but  
9 he'd also like to further develop that residence and create a  
10 larger residential community around him.

11 Recognizing what Mr. Fondersmith has said that  
12 this is a Square in transition, we would hope that the  
13 commission would take into consideration Dr. Kreuzer's desires  
14 to further develop this square in a manner compatible with the  
15 other developments in that square itself. Indeed, with the  
16 Remington and what Dr. Kreuzer plans to develop, it will I think  
17 pretty much fill up the building envelope itself.

18 As a matter of right in R-5-D, he can add another  
19 two floors, but he is going to seek to develop a larger  
20 building, both for economic reasons and again to develop a  
21 larger residential community around him. We'd like to work with  
22 the university in enhancing this development. However, as the  
23 proposal as it now stands does offer some adverse consequences,  
24 particularly the windows which are overlooking the townhouse  
25 itself.

1           We believe and Mr. Outerbridge Horsey is with us  
2           and will speak to the further development possibilities that we  
3           can develop a compatible building with the university, but there  
4           are some concessions which will have to be considered. One of  
5           our primary concerns is parking. While it's one for three in  
6           terms of residential development in terms of units itself, we  
7           recognize that there is just not enough space on that lot to put  
8           in the required amount of parking.

9           We would like to negotiate with the university  
10          and at some point go to them and ask them to provide parking  
11          adequate for the building within their own development. The  
12          other consideration as I mentioned is the windows, the courts,  
13          and any possible building code waivers and we'd like to work in  
14          conjunction with them in order to make sure that the square is  
15          properly developed. Dr. Kreuzer will make a further statement  
16          as will Mr. Outerbridge Horsey.

17                 CHAIRPERSON MITTEN: Thank you.

18                 DR. KREUZER: My name is Donald Kreuzer. I've  
19          been a resident in Foggy Bottom since 1973 when I came down here  
20          from Philadelphia from the University of Pennsylvania. I've  
21          been a resident and I've worked in Foggy Bottom since that time.

22                 At that time, I moved into a community that had,  
23          Square 43 had 30 townhouses and it was not part of the campus.  
24          In 1985, the campus plan was being reviewed and the BZA and the  
25          Office of Planning had intentionally removed Square 43 from the

1 campus plan and it was Order 14455, and this was supposed to be  
2 in effect until December of 2000.

3 They specifically removed Square 43 from the  
4 campus plan, and in that order, they directed that GW  
5 University, if they were to buy any more townhouses within that  
6 square, that they were supposed to keep it in townhouse form and  
7 therefore, not tear them down or develop them.

8 Well, in 1997 and 1999 when that campus plan was  
9 in effect or was mandated, they violated the directive of the  
10 Zoning Board. They violated the directive of the Office of  
11 Planning, and they also violated the trust of the community.

12 After they did what they did and got away with  
13 it, they were rewarded recently by being allowed to take Square  
14 43 and incorporate that into their campus plan. As a result,  
15 they have destroyed Square 43. Other individuals use the  
16 terminology that Square is in a transition. Well as far as I'm  
17 concerned, when I moved into this community, it was supposed to  
18 be a buffer between the university and Foggy Bottom.

19 Foggy Bottom's the oldest, smallest residential  
20 community and their movement into that square destroyed the  
21 buffer, which they were mandated not to do. So now I recognize  
22 the fact that the community that I once moved into and was there  
23 in 1997 is no longer existing. So I would like to develop my  
24 property in a way that enhances my continued residency in Foggy  
25 Bottom and in this community.



1 I don't plan to move and I still have a business  
2 there, and I'm going to be working in Foggy Bottom for probably  
3 another 20 years. I would like to build a structure compatible  
4 to that proposed by GW University in order to maintain a viable  
5 residence for myself and further improve the remaining  
6 community. I want to provide additional residential  
7 opportunities for the Foggy Bottom community, so I am here in an  
8 attempt to, I guess go along with the plan.

9 If I can't get back what was there and what I  
10 moved here for, I'd like to take advantage of increasing the  
11 value of my property and stay as a resident and doctor in the  
12 Foggy Bottom community. I'd like my lawyer and the architect  
13 who are my advisors to maybe further address this proposal.  
14 Thank you.

15 CHAIRPERSON MITTEN: Thank you.

16 MR. FARMER: Mr. Horsey will address the  
17 architectural possibilities we have explored up to this point.

18 MR. MOORE: Excuse me, Madam Chair. I'm not ?

19 CHAIRPERSON MITTEN: Could you get on the  
20 microphone please?

21 MR. MOORE: Jerry Moore for the university. I'm  
22 not quite sure how this ties into the applications that are  
23 before the commission right now.

24 CHAIRPERSON MITTEN: Would you like to respond to  
25 that?

1 MR. FARMER: Yes. As Dr. Kreuzer indicated, he  
2 had after some soul searching come to a decision on how his  
3 property, what he would like to see happen with his property and  
4 how it would be developed.

5 We believe that the university proposed  
6 development as presently presented has some negative effects on  
7 that development, particularly the glass walls, the windows  
8 overlooking his property. We would like to have an opportunity  
9 to work with the university to see if we can alleviate some of  
10 those effects, and we would like this commission to help us get  
11 that opportunity, if you will.

12 The relevance that we see is that as presently  
13 presented to this commission, it is inappropriate considering  
14 Dr. Kreuzer's plans for such a building to be built,  
15 particularly as it faces his building.

16 CHAIRPERSON MITTEN: Mr. Moore, I think that it's  
17 important that the commission understand that what we see now as  
18 three townhouses, may not be three townhouses in the future. Dr.  
19 Kreuzer's been given party status because he has a unique  
20 relationship with the proposed development. And I, for one,  
21 would like to know what's being contemplated and how that might  
22 affect the design as it's been presented, because we're looking  
23 at three townhouses that may not be there. So I think that's  
24 the purpose of this. Do you have a continuing objection?

25 MR. MOORE: Again, the ?

1 CHAIRPERSON MITTEN: Please get on the mike.

2 MR. MOORE: I'm sorry, the application before the  
3 board is for the university to develop its property, as I  
4 understand what Dr. Kreuzer is presenting now is a development  
5 of his own. He has to, it seems to me, he has to file an  
6 application for a building permit or seek the zoning relief from  
7 this board on his property alone. I'm not sure what the  
8 development of his property has to do with the applications that  
9 are now before you.

10 CHAIRPERSON MITTEN: I think the idea is, we're  
11 not going to see a specific proposal. We're going to get a  
12 sense of what they're contemplating so that we could have at  
13 least in our mind what this dormitory's going to be potentially  
14 relating to. You're not going to make a specific development  
15 plan?

16 MR. FARMER: No, absolutely not. We're not  
17 prepared to do that at this time. What we're attempting to do is  
18 provide a context for this commission to make a decision.

19 CHAIRPERSON MITTEN: Thank you. Are there any  
20 commissioners who want to weigh in on this?

21 COMMISSIONER PARSONS: Well certainly if the  
22 university is proposing a building on their lot line and another  
23 neighbor wants to erect something that would in fill the windows  
24 of the dormitory, we need to know that.

25 VICE CHAIRPERSON HOOD: Madam Chair, I would

1 agree but at the proper time. I have another problem with some  
2 testimony I heard from Dr. Kreuzer, and at the appropriate time,  
3 I'd like to address it.

4 CHAIRPERSON MITTEN: All right. Let's move  
5 forward and allow them to finish their presentation.

6 MR. HORSEY: My name is Outerbridge Horsey with  
7 Horsey and Thorp Architects in Washington, D.C. I'm a  
8 registered architect in Washington, D.C. and I'll make my  
9 presentation very brief. These photographs here show Dr.  
10 Kreuzer's property here, looking south on 23<sup>rd</sup> Street and going  
11 counterclockwise around the site. These are the backs of his  
12 townhouses coming back on Virginia Avenue and the corner here  
13 and then the facades along 23<sup>rd</sup> Street.

14 These two photographs are looking north on 23<sup>rd</sup>  
15 Street, south on 23<sup>rd</sup> Street to the Lincoln Memorial, and here  
16 the underpass along Virginia Avenue looking east and west.  
17 Basically all this is to show that the neighborhood is in  
18 transition, as Mr. Fondersmith said, and then most of the  
19 buildings are much higher and bulkier than Dr. Kreuzer's.

20 If I could borrow one of your boards here. In  
21 regards to the proposed development potential, I think you can  
22 see the tremendous impact of these proposed windows that  
23 apparently were requested by the Commission of Fine Arts. I  
24 wonder if they're the ultimate answer. I mean there are  
25 certainly plenty of building, the National Gallery is a case in

1 point, a beautiful building without any windows anywhere on the  
2 facade. So I would question whether windows are the answer  
3 necessarily to facade articulation.

4 Nonetheless, given the fact that Dr. Kreuzer's  
5 buildings, there are three lots in question, a total of about  
6 slightly over 200,000 square feet, how they might be developed.

7 This site here, which you can see as well, here this is  
8 probably the best. The Virginia Avenue construction sort of  
9 obscures the view, but it really is the gateway once you cross  
10 Virginia Avenue. I personally feel that this building is a  
11 great gate post and I think that Dr. Kreuzer's property across  
12 23<sup>rd</sup> Street could be the other gate post. It wouldn't need to  
13 be as large.

14 But certainly a building eight stories high or  
15 something like that, going up to that level, would help the  
16 transition from the building which as I understand ? I didn't  
17 see the facades of the buildings across the street, but 30, 40  
18 foot buildings across 23<sup>rd</sup>, a five-story building at the corner,  
19 an eight-story building across the street, leading up to a 10-  
20 story building.

21 I think something on that order would be in scale  
22 and would actually help all the buildings come together. 23<sup>rd</sup>  
23 Street, we've heard, is a special street. Any street that has a  
24 compatible 10-story building on one side and a three-story  
25 building compatible also on the other side is indeed a special

1 street and I think there's an opportunity here at this site to  
2 sort of pool all the scales in the neighborhood together. Thank  
3 you.

4 I'll just add that this proposal would require,  
5 without a doubt, variances in lot coverage and in FAR.

6 CHAIRPERSON MITTEN: All right.

7 MR. HORSEY: Thank you.

8 CHAIRPERSON MITTEN: Anything else, Mr. Farmer.

9 MR. FARMER: Madam Chair, we would like the  
10 opportunity to present a written statement further detailing our  
11 concerns with this particular proposal.

12 CHAIRPERSON MITTEN: All right.

13 MR. FARMER: In a consistent line with what you've  
14 asked the ANC to do.

15 CHAIRPERSON MITTEN: Okay. Okay. Have you  
16 discussed this with the university?

17 MR. FARMER: No. Up until recently I believe,  
18 they were actually discussing buying Dr. Kreuzer's property.  
19 Those discussions did not bear fruit, and so Dr. Kreuzer really  
20 had to make a decision as to whether he wanted to go or stay,  
21 and he's made that decision to stay at this particular location.

22 CHAIRPERSON MITTEN: So the university hasn't  
23 really had the opportunity in terms of their thinking about  
24 design, to respond to a contemplated redevelopment of Dr.  
25 Kreuzer's property?

1 MR. FARMER: No, we in effect are responding to  
2 their proposed design.

3 CHAIRPERSON MITTEN: All right. Any questions  
4 from the commission? Mr. Hood, did you?

5 VICE CHAIRPERSON HOOD: Madam Chairman, I don't  
6 necessarily have a question. In Dr. Kreuzer's comments, he  
7 mentioned a BZA Order, I think 1985.

8 DR. KREUZER: It was the year 1985 and it was BZA  
9 Order 14455.

10 VICE CHAIRPERSON HOOD: Okay. I wonder if we  
11 could either have staff to get us a copy of that or we could be  
12 provided a copy, because again I have problems with regulations  
13 not being adhered to or conditions not being adhered to.

14 And then to turn around and just disobey the fine  
15 work that I think this Board of Zoning Adjustment and Zoning  
16 Commission have done over the years and because of a ? I'm not  
17 making any accusations, but if you're reporting correctly, the  
18 way of life becomes a way of life and it becomes law without  
19 this board or the Board of Zoning Adjustment making the decision  
20 people not being in compliance. I have a big problem with that,  
21 as well as with some other things that are not adhered to.

22 So I think first before I ? I probably should  
23 have gotten the order and read it before I made my comment, but  
24 once I get the order, I will elaborate even more. Thank you.

25 CHAIRPERSON MITTEN: Mr. May.

1 COMMISSIONER MAY: Yes. Mr. Horsey, with regard  
2 to the potential development on Dr. Kreuzer's property, you cite  
3 the windows as a problem. These windows are in a wall that are  
4 on the property line, correct?

5 MR. HORSEY: Yes, there are stipulations in the  
6 building code governing that and it's generally on the zero lot  
7 line situation. You're not typically allowed to have windows in  
8 the wall.

9 COMMISSIONER MAY: In the event when that does  
10 occur, and development follows subsequently, in many cases it's  
11 an existing condition, what typically happens to those windows?

12 MR. HORSEY: Typically they get blocked in, and a  
13 fire radius established and they get closed up, and that happens  
14 all over town with office buildings. We've seen it happen  
15 constantly. There is no right of view, right of adverse  
16 possession for line of sight or anything like that.

17 COMMISSIONER MAY: Right, thanks.

18 CHAIRPERSON MITTEN: Any other questions? Mr.  
19 Parsons.

20 COMMISSIONER PARSONS: Well following on that,  
21 could you put up the barrow exhibit? So to follow on your  
22 answer to Mr. May, there's nothing in that facade we're looking  
23 at or three facades actually. The elevator overlook I'll call  
24 it, which is the glass, and the dormitory windows, in the event  
25 that you were successful or the doctor was successful in getting



1 an eight-story building I think you said?

2 MR. HORSEY: No, more I would think.

3 COMMISSIONER PARSONS: Those would be filled in,  
4 wouldn't they?

5 MR. HORSEY: Well actually, the ones on 23<sup>rd</sup>  
6 Street, I think there's a three-foot alley in front of these, so  
7 whether these ? probably wouldn't need to be filled in but it  
8 would be three feet across from another wall. But these would  
9 have to be able to establish the fire radius.

10 COMMISSIONER PARSONS: Okay. Maybe you could put  
11 a mirror on the building.

12 MR. HORSEY: Mirrors perhaps.

13 COMMISSIONER PARSONS: And I'm wondering if you  
14 wouldn't agree that as an architect, maybe this is better to  
15 look at until the doctor gets on with his plans. In other  
16 words, would you really as an architect I'm asking you, what  
17 would you do to the proposal before us to respond to your  
18 comment?

19 MR. HORSEY: Well I think there are two issues.  
20 One is what does the building look like, and second and more  
21 importantly to Dr. Kreuzer is what impact does that have if he  
22 were to want to put a roof terrace is, which he actually has.  
23 That roof terrace basically becomes unusable due to the lack of  
24 privacy from an elevator lobby, as well as bedrooms.

25 As to how the building can look better, I think

1 this is one alternative. As I said, I think there are other  
2 alternative to facade articulation that can be explored, changes  
3 in materials, any number of ways, changes in color. Whether it  
4 has to be windows that permit this intrusion on his privacy, I'm  
5 not sure that's the inevitable answer. So it's kind of two  
6 separate issues.

7 COMMISSIONER PARSONS: So you would somehow  
8 articulate the facade to get shadow and contrast. But there  
9 would be no windows.

10 MR. HORSEY: Right, you could use openings, what  
11 we call blind windows. I think there are some that were  
12 mentioned probably at the lower levels right on the roof but  
13 wouldn't permit, I mean ostensibly they could look like windows.  
14 They'd be proportioned like windows. They wouldn't have glass  
15 in them necessarily, but there are alternatives.

16 COMMISSIONER PARSONS: So trump ploy or something  
17 of that nature?

18 MR. HORSEY: No, not necessarily. It's all a  
19 matter of changing the plane. If you look at the National  
20 Gallery again, that is a different kind of building, but it  
21 doesn't have any windows and I think we'd all agree it's a  
22 beautiful-looking building. And the way they do that with  
23 changes of plane and articulation of surfaces, some color  
24 change.

25 COMMISSIONER PARSONS: So it appears from the

1 plans that these windows aren't really necessary.

2 MR. HORSEY: Right. No, I agree that they're not  
3 and in fact, some of the earlier floorplans, they don't have as  
4 many windows. And this creates unique apartments at the end.  
5 So clearly they're not necessary to the apartment behind them or  
6 students' living quarters. And the elevator lobby, I agree the  
7 windows do make it a nicer space but it's not essential. Most  
8 elevator lobbies are dark.

9 COMMISSIONER PARSONS: Right. Thank you.

10 MR. HORSEY: You're welcome.

11 CHAIRPERSON MITTEN: Any other questions? Mr.  
12 Moore? Ms. Elliot, any questions? All right, thank you.

13 MR. HORSEY: Thank you.

14 CHAIRPERSON MITTEN: Now we'll move to persons in  
15 opposition and I'll call folks forward in panels of three.  
16 Barbara Mollohan, Rosemary Jarvis and Robin Meigel. Just want  
17 to make sure everyone's given their witness cards to the  
18 reporter before you begin. Is Robin Meigel here? No, okay.  
19 Let me get one more person up then, Marilyn Rubin. And just for  
20 Mr. Bastida's benefit, Ms. Rubin represents Columbia Plaza and  
21 so she'll get five minutes.

22 MR. BASTIDA: Thank you.

23 CHAIRPERSON MITTEN: Just when you begin, state  
24 your name for the record.

25 MS. MOLLOHAN: Okay, my name is Barbara Mollohan

1 and I am an owner at the Remington, and I'm past president of  
2 the Condominium Association. My reason for being here is to  
3 cite concerns that I have with the building. When I first  
4 became affiliated with the neighborhood, there were row houses  
5 in this particular Plot 43.

6 In the past five years, all of the houses have  
7 been torn down. When the houses were located facing Virginia  
8 Avenue, on numerous occasions, the Condominium Association was  
9 notified that there were a lot of disturbances from the row  
10 houses which had student housing in them. This was coming from  
11 disturbances such as loud parties very late at night, disrupting  
12 those people in the building.

13 At least ~~probably~~, to my knowledge at least 20  
14 times the police were called to the site. The university did  
15 adhere to our concerns and established a police station right  
16 next door. And then the next thing we knew, the houses were  
17 torn down. My concern would be, number one the noise level in  
18 the community, living adjacent and having the nine apartments on  
19 the back side facing the particular apartment.

20 Also the height of the building, how would it  
21 affect the skyline? How is the elevation out of sync with the  
22 rest of the neighborhood? The number of people coming into what  
23 was a more densely populated area, now having 710 residents  
24 versus two per each building up the side.

25 It's already an overcrowded area, and yes as I go

1 and come every day from the Remington, there is a traffic  
2 problem. So every time that we hear about, we do hear about the  
3 ANC. I'm not a member of the ANC but I am concerned. I'm  
4 frequently out of town, but there have been proposals for this  
5 particular area of a parking lot, a tennis court, campus  
6 housing, professor's housing, a 250-room dorm, and then I come  
7 tonight and find out it's a 710-bed dorm. This has all  
8 transpired, to my knowledge, in the last three years.

9 So I'm not quite sure how the zoning proposal  
10 goes, but it seems like every time a proposal's made, they up  
11 the ante in the number of rooms. I'm not as familiar with this  
12 as, of course, you are or they are. But my question is, do you  
13 come to the Zoning Board and just keep upping the ante in the  
14 proposal of number of rooms until you get what you want, or do  
15 you take into consideration the neighborhood, and do you take  
16 into consideration the impact on the neighborhood such as  
17 traffic, noise, elevation, et cetera.

18 I'm nervous about this because I'm not used to  
19 coming to these meetings and speaking. I don't have a  
20 typewritten proposal. But those are concerns of lay people like  
21 myself. And those are valid concerns that I hear continuously  
22 from the ANC people and people who live in the neighborhood. So  
23 what I would like to see addressed is ?

24 CHAIRPERSON MITTEN: You need to summarize now.

25 MS. MOLLOHAN: Right, and what I would like to see

1 is the Zoning Commission taking all of this into consideration.

2 Thank you for your time.

3 CHAIRPERSON MITTEN: Thank you and just hold your  
4 seat and then we'll see if there are any questions after the  
5 panel is finished. Ms. Jarvis.

6 MS. JARVIS: Yes.

7 CHAIRPERSON MITTEN: You need to push the button  
8 and turn on the mike. There you go.

9 MS. JARVIS: My name is Rosemary Jarvis. I'm the  
10 President of the Remington Condominium. I'd like to give you  
11 some background. Barbara's on the board with me also, and what  
12 we were told in regard to Lot 43 when they first approached us  
13 when talking to the university was exactly that, that it was  
14 going to be a parking lot, and then it was going to be a tennis  
15 court, then it was going to be a park.

16 And then the last thing they said was, it was  
17 going to be used for graduate students and visiting professors.

18 All of this was fine with us. We had no problem with that.  
19 We've got 52 apartments, units, in our building and this would  
20 be ? all of those would have been without any problem. And with  
21 that understanding, when we were discussing all this I, in fact,  
22 was talking to the university and they were talking about the  
23 wellness center.

24 And I could understand what their position was  
25 and their feeling was, let's just be good neighbors about this.

1 And so I, in fact, came and spoke in front of one of the  
2 meetings because I understood that this is how we were "going to  
3 work together."

4 Now I'm finding out totally different, that it is  
5 going to be a student dorm. It is going to be 350, 500, 710  
6 students directly behind a building that is going to heavily  
7 impact us. We now have a wellness center on G Street with  
8 students coming and going, which already has very much impacted  
9 our parking area.

10 If you have somebody coming to visit in the past,  
11 your guest could find parking on that street. There is no  
12 parking at any time during the day now, with the wellness center  
13 there now. That 710 students, or even 320 students, I don't  
14 know where anybody's going to park. There's just no parking.

15 So you've got people going round and round and  
16 round and we've got an area between two driveways that we  
17 regularly have a car parked there that makes it impossible for  
18 our dumpsters to come in and out. Because the car comes into  
19 the driveway. So this is a real problem.

20 I find that this heavily impacts us, as far as  
21 the value of our property because nobody wants to buy into a  
22 condominium that is going to have 700 students behind them.  
23 I've got to tell you, that's not what you want to have. The  
24 other thing is, the noise level is going to be tremendous.  
25 You're going to have 700 students, plus the students on the

1 other side, plus the students that we get from GW.

2 CHAIRPERSON MITTEN: Hold on one minute. I think  
3 we should give her two more minutes because she's representing  
4 the Remington as the President.

5 MS. JARVIS: Okay. So we deal with the wellness  
6 center in their comings and goings. So the parking is a problem  
7 right now. The noise is a problem right now. The idea of  
8 having student housing behind us, the people in the condominium  
9 are totally against having student housing, much less 700, 500.  
10 That is just ? it boggles the mind for them. It really does.

11 And I think in lots of ways, we are strongly  
12 affected by this because we have already got the wellness center  
13 on one end of us. Now we're going to have student housing  
14 behind us. We've got the Howard Johnson, which is down the  
15 street. So we are in lots of ways surrounded by students, and  
16 this is not what we signed up for.

17 When we talked to them, it was the good neighbor  
18 policy. That's not what's been happening to us. So we have not  
19 been very active, just kind of hoping that everything was going  
20 to sort itself out. I feel bad at this point that we didn't  
21 come in and speak earlier, because we should have. We really  
22 should have.

23 CHAIRPERSON MITTEN: Thank you.

24 MS. JARVIS: Yes.

25 CHAIRPERSON MITTEN: Ms. Rubin.



1 MS. RUBIN: I'm Marilyn Rubin. I'm President of  
2 the Columbia Plaza Tenants Association. I can only emphasize  
3 what the other two women have said. Columbia Plaza was built  
4 and opened in 1967. I moved here in '68. I was told that GW  
5 would not go beyond 23<sup>rd</sup> Street. Their campus boundary was to  
6 the east. That's not the case.

7 At this point, as GW continues its enrollment, we  
8 have a five-building complex of 800 units that was built for  
9 moderate income housing professional people who wanted to live  
10 there. At one time, about eight years ago, we had a two-year  
11 waiting list. Now, nobody wants to come because we have  
12 approximately 150 residents left that are not students.

13 We have about 2,000 students living in our  
14 apartment building. They are taking away taxpayer property.  
15 Taxpayers can not be moved in ? will not move in, 1) because  
16 it's a dormitory essentially; and, 2) the management of my  
17 building is holding those apartments for students in a deal they  
18 have with GW. I'm a little nervous too. It's easier to sit in  
19 the back.

20 CHAIRPERSON MITTEN: Take your time.

21 MS. RUBIN: For example, as they say, we have  
22 noise all day and we have heard the noise from the townhouses  
23 when they were there. We would hear it at night. We would have  
24 to send the police over to stop the noise numerous times. So it  
25 carries across, so it's not just for the people that live in

1 that square. It's for us as well.

2 In addition, we would like the dormitory, but to  
3 kind of brief this, make it shorter, we would like to exchange  
4 those properties. We would like the townhouse with the less  
5 density to be on Square 43 with fewer people, and the replicate  
6 or replace the appearance of those townhouses that were there  
7 before.

8 I moved into this neighborhood because I thought  
9 it was very quaint, very charming with the old townhouses. The  
10 look of Foggy Bottom ? when you think of Foggy Bottom, you think  
11 of those little townhouses, not huge massive buildings. This  
12 one appears, and I've just begun learning about it, this one  
13 appears to have a solid wall. And to have a dumpster have a  
14 service entrance on Virginia Avenue with that very narrow lane  
15 is unbelievable.

16 What does it do? It's very busy. It's very  
17 heavily traveled at night. All during the day busses use it,  
18 cabs use it, going to and from Watergate, from the Kennedy  
19 Center, and you're talking about having a service road on  
20 Virginia Avenue. It's ludicrous.

21 Also 700 people going across 23<sup>rd</sup> Street, as  
22 someone said, jaywalking. I don't care what they have as far as  
23 ? I'm digressing ? as far as their corners where they're trying  
24 to encourage students to go. Students and adults will not do  
25 that. They will jaywalk right across the traffic. If you've

1 ever been on 23<sup>rd</sup> Street, it is a mess at rush hour, both the  
2 morning and the evening.

3 So to say the students will observe the laws and  
4 only cross at the corner where there's a light is ridiculous. I  
5 know from experience, because I've seen it up ? well, I've seen  
6 it. Okay. The noise and the rowdiness, the trash, those three,  
7 the traffic problems are now beginning to pervade the entire  
8 Foggy Bottom neighborhood.

9 There is no doubt bringing similar pressures and  
10 disruptions to the quality of life for other people in other  
11 buildings like Watergate, Potomac Plaza, the Plaza, Potomac  
12 Plaza Terraces, and many of the buildings are condominiums or  
13 co-ops and their property values are going to go down because I  
14 understand there are students in Watergate now. That's being  
15 examined.

16 But it is just pervasive and what do we do? Do  
17 we ? anyway. At a time, this could conceivably lead to a  
18 devaluation of properties and a tax loss for the District at a  
19 time of critical concern of tax revenues. And as they say, as  
20 these women say, who's going to move into their building when it  
21 faces a dormitory?

22 GW has chosen to ignore many of the sites that we  
23 already identified as existing on their campus for building, and  
24 instead they chose to build other facilities, the Wellness  
25 Center, the Media Center. Other things they've done, everything

1 else with large pieces of land in order to not have it.

2 So our suggestion is to take, stick with the  
3 original number of 350 students to be housed on Square 57 and  
4 bring those townhouses back to the way it was and put the  
5 smaller number of people.

6 CHAIRPERSON MITTEN: I need you to summarize now.

7 MS. RUBIN: Okay. And we would demand that the  
8 service entrance for the garage be on G Street, not on Virginia  
9 Avenue. So I'll just stop there.

10 CHAIRPERSON MITTEN: Thank you.

11 MS. RUBIN: All right.

12 CHAIRPERSON MITTEN: Any questions for this panel  
13 from the commission? Mr. May.

14 COMMISSIONER MAY: I have a question for Ms.  
15 Jarvis, I guess. You expressed some surprise to learn that this  
16 is a 700-bed dorm, almost as if you learned tonight that it was.

17 MS. JARVIS: Actually I learned about it, I guess  
18 it was a week ago when the builder, a Mr. Griffin I think his  
19 name is, stopped by and said you know, he just wanted to touch  
20 base and introduce himself. He started talking to the project  
21 planner and just started talking about, well ? I said well  
22 what's going to go ? I mean again, really not ? what's going to  
23 go behind it? Oh, that's going to be a 710 dorm. I said "710  
24 dorm" and he said "yes." I said "how could you possibly do it?"  
25 "Oh there are going to be suites and there's going to be two

1 kids and then two kids, and then each going to have a bathroom,  
2 and then a community area in the center." I looked at them.  
3 How are they going to put 710 students there? I was just  
4 dumbfounded, really.

5 COMMISSIONER MAY: So you just learned a week ago  
6 and that's true of everybody in the building more or less?

7 MS. MOLLIHAN: The management who manages the  
8 building, he is here representing.

9 MS. JARVIS: We've never heard that.

10 COMMISSIONER MAY: All right, that's the basic  
11 question. The other question that I have for Ms. Rubin, I  
12 guess, is that Columbia Plaza buildings, how tall are they? I  
13 know you like looking out on the little townhouses across the  
14 street, but how tall is Columbia Plaza?

15 MS. RUBIN: Some buildings are 13 and others are  
16 11. But again ?

17 COMMISSIONER MAY: Stories.

18 MS. RUBIN: Stories, yes. But they also are not a  
19 dense space. There's gardens and there's grounds in the front.  
20 It's very park like.

21 COMMISSIONER MAY: We can tell that much from the  
22 plan. I just wanted to know how tall they were. Thank you.

23 CHAIRPERSON MITTEN: Any other questions for this  
24 panel? Thank you very much. We'll have Ms. Dorothy Miller, and  
25 I have John Farmer on the list as well.

1 MR. FARMER: I'm counsel.

2 CHAIRPERSON MITTEN: Oh I'm sorry. That's right,  
3 sorry, forgot. Any other persons in opposition? Ms.  
4 Spillinger?

5 MS. SPILLINGER: I did not plan.

6 CHAIRPERSON MITTEN: If you'd like, come forward.

7

8 MS. SPILLINGER: I did not plan to speak because I  
9 thought the President of the Foggy Bottom Association would be  
10 here, but she is not. And in that case, I would just like to  
11 make a very short statement.

12 CHAIRPERSON MITTEN: We would welcome it.

13 MS. SPILLINGER: Thank you.

14 CHAIRPERSON MITTEN: Any other persons in  
15 opposition? Okay, Ms. Miller.

16 MS. MILLER: I am Dorothy Miller, Commissioner for  
17 ANC-2A-05, Vice President of the Columbia Plaza Tenants  
18 Association and I've lived in there for 25 years, and I've been  
19 in Washington 62. Square 43's directly across from Columbia  
20 Plaza, and what they are doing is to put in a space of about 25  
21 percent the size of Columbia Plaza by the way, where we have  
22 five building for 800 apartments.

23 They're putting in a space a quarter of that size  
24 for 710, and they told us as you have heard before so I won't  
25 repeat it. But the statement by the applicant on Page 2, that

1 special exception requested, will be in harmony with the general  
2 purpose and intent of the zoning regulations and the map and  
3 will not tend to affect adversely the use of the neighboring  
4 property. You'd have to be blind and deaf not to know that.

5 It is not an accurate statement to the people I  
6 represent or to me. It is not whether a dormitory should be  
7 built on this square. It is the design, the size of the  
8 building, and the number of students to be housed and the  
9 increased traffic problems.

10 Now Virginia Avenue is totally tied up for two to  
11 four hours each day, the morning and the evening. You can not  
12 move, and as Mr. ? when we did another position that Mr. Slade  
13 took care of, he said it's just like his driveway at home. He's  
14 right. You're parked on the street, because you're supposed to  
15 be moving.

16 CHAIRPERSON MITTEN: You're not going to be able  
17 to get through your whole statement, so ?

18 MS. MILLER: I won't diverse anymore. I'll stick  
19 with my statement.

20 CHAIRPERSON MITTEN: I mean you're going to have  
21 to summarize. You can't read the whole thing.

22 MS. MILLER: I can't have five minutes?

23 CHAIRPERSON MITTEN: Who are you representing?

24 MS. MILLER: I tried. First off, I would like to  
25 bring a copy of my, clocked in copy from my request for party

1 status.

2 CHAIRPERSON MITTEN: That's fine.

3 MS. MILLER: Which didn't find its place in the  
4 file and I'd like to see that it's put in the permanent file.

5 CHAIRPERSON MITTEN: Certainly.

6 MS. MILLER: Okay. The university must be  
7 sensitive. The comprehensive plan requires that the university  
8 must be sensitive to the surrounding residential neighborhood,  
9 and this structure and its use are totally out of character with  
10 the surrounding neighborhood. The campus plan presented in 1999  
11 and they've already told you about that, it kept going up and  
12 up and up.

13 The community finds the request for four-story  
14 state of the art townhouses with basements and without parking  
15 or a loading dock to house 204 affinity students, with less  
16 density and more amenities to the student to the east side of  
17 23<sup>rd</sup> Street, Square 57 to be objectionable because it gives  
18 preferential treatment. And all of this is on the boundary of  
19 the campus.

20 And for your information, by the way, the Health  
21 and Wellness Center was classified in 1985 as residential with  
22 mixed use and they requested it be changed. That's why we have  
23 the Health and Wellness Center. Other dormitory sites within  
24 the ?

25 CHAIRPERSON MITTEN: You need to summarize.



1 You're out of time.

2 MS. MILLER: Well I'm ? within the campus boundary  
3 where mentioned in the BZA remand order and the Square 54 which  
4 is large enough to satisfy all of the university housing  
5 requirements for the foreseeable future, GW chooses to omit the  
6 location or any discussion. Other sites mentioned as suitable  
7 for dormitories of that order are Square 103, 56, 79, 101 and  
8 103.

9 The order goes on to state, this recitation of  
10 campus sites that are available to the university is intended to  
11 demonstrate that it enjoys considerable latitude in deciding how  
12 to satisfy their own campus housing requirements. Why jam 900  
13 students into an area less than a city block, which straddles  
14 23<sup>rd</sup> Street.

15 And for your information, they go down Virginia  
16 Avenue to get to the only grocery store in our area. So they  
17 will be crossing, and they're asking the campus plan to be able  
18 to cross in the middle of the street. That's against the zoning  
19 regulations and against the traffic regulations in the district,  
20 but that doesn't stop them. And in 1996, six students were hit  
21 on 22<sup>nd</sup> Street, which is a one-way street. In the first six  
22 months of the year, six students were hit by cars.

23 CHAIRPERSON MITTEN: We're going to read the rest  
24 of your statement.

25 MS. MILLER: I appreciate it. Thank you.

1 CHAIRPERSON MITTEN: Ms. Spillinger.

2 MS. SPILLINGER: Thank you, Madam Chair, members  
3 of the commission. I'm Barbara Spillinger, Vice President of  
4 the Foggy Bottom Association and former chair of ANC-2A. I had  
5 thought that our President, as I say, would be here this evening  
6 and she isn't. So I'm just going to take a moment to reiterate  
7 what the position of the Foggy Bottom Association is.

8 We did file a letter and, in general, we support  
9 the resolution of the ANC. But particularly, we support the  
10 proposal that GW present an overall plan for meeting the housing  
11 requirements of the BZA Order on the campus plan. They're  
12 coming at us piece meal and we really would like to have a  
13 broader look at, all right they want to put housing on 43 and  
14 57, but where else are they down range planning to go. And as  
15 has been mentioned by other people, what about the use of the  
16 old hospital on Square 54?

17 We do not oppose having a dormitory on 43 or a  
18 dormitory on 57, but we do think that the bulk of the design for  
19 43 and the number of students proposed there is too large and  
20 too high. And we would like to go back to the plan for 350,  
21 with other spaces being made available on the campus.

22 Just one other thought, we support the concept of  
23 a townhouse facade on the dormitory on Square 43, as well as on  
24 57. Thank you. I'd be pleased to answer any questions you  
25 might have.

1 CHAIRPERSON MITTEN: Thank you. Any questions  
2 from the commission? I'm sorry, but you don't get to ask  
3 questions right now.

4 MS. MILLER: I didn't want to ask a question. I  
5 just wanted to mention my ?

6 CHAIRPERSON MITTEN: You need to be on the  
7 microphone.

8 MS. MILLER: I wanted to mention my attachment,  
9 because they again claim they're an economic viable to the  
10 District and they're not, and I have attached something that I  
11 would appreciate the board reading.

12 CHAIRPERSON MITTEN: Thank you. Mr. Moore any  
13 questions? Ms. Elliot any questions for these two folks.

14 MS. ELLIOT: No, I had actually some questions for  
15 the two from the other panel.

16 CHAIRPERSON MITTEN: I'm sorry, we will call them  
17 back. I apologize. I overlooked that. Thank you both, and who  
18 did you want to ask questions of, I'm sorry? Could you come  
19 forward and we'll ask them to come back up. Turn on the mike.

20 MS. ELLIOT: Oh, I'm sorry. It's the same  
21 question of all three of the previous panel. I know Dr. Kreuzer  
22 has indicated that he will remain in the neighborhood. I wanted  
23 to ask each of those panelists whether they would be leaving the  
24 neighborhood as the result of this dormitory.

25 CHAIRPERSON MITTEN: Okay, could we have the

1 previous panel, Ms. Mollohan, Ms. Jarvis, and Ms. Rubin come up  
2 just to respond to that question if you don't mind. I'm sorry,  
3 I didn't give Ms. Elliot the opportunity earlier.

4 MS. MOLLOHAN: No, I don't plan to move, but I do  
5 hope that the zoning board will take into consideration those  
6 statements that we have made, and think about. I know that the  
7 George Washington University is corporate business.

8 CHAIRPERSON MITTEN: This is really just an  
9 opportunity to respond to the questions on cross-examination.

10 MS. MOLLOHAN: No, I will keep my condominium.

11 CHAIRPERSON MITTEN: Thank you. Ms. Jarvis.

12 MS. JARVIS: I would probably also stay,  
13 unhappily, but I would. I think I would stay because I love the  
14 area.

15 CHAIRPERSON MITTEN: Thank you. Ms. Rubin.

16 MS. RUBIN: I intend to stay, but I know a lot of  
17 my fellow residents have left and are leaving.

18 CHAIRPERSON MITTEN: Thank you. Now it looks like  
19 we're ready for rebuttal.

20 MR. BASTIDA: Are we going to give him some  
21 timetable for rebuttal?

22 CHAIRPERSON MITTEN: I am going to do it.  
23 Can you give me an estimate about how much time you're going to  
24 need, Mr. Moore?

25 MR. MOORE: I have 12 minutes. I need seven.

1 CHAIRPERSON MITTEN: Oh, terrific.

2 MR. MOORE: Okay.

3 CHAIRPERSON MITTEN: Take 12.

4 MR. MOORE: This is just in the form of a  
5 rejoinder to some of the testimony that you've heard today, this  
6 evening. Mr. Barber has some comments that he'd like to make in  
7 response to some of the things that were said.

8 CHAIRPERSON MITTEN: Thank you.

9 MR. BARBER: Thank you. Let me respond first to  
10 Mr. Hood's concern. The statement that we violated the 1985  
11 order, I assume it concerned you. It concerned me because it is  
12 not accurate. I spent a fair amount of time with the 1985  
13 order, a lot of time. I must confess I have not reviewed it  
14 recently because I've been looking at other things.

15 But if the suggestion is that there's a condition  
16 in there which required the university to do or not to do  
17 something with property that it owned, outside of the campus  
18 plan, I confess not only do I not remember such a condition, but  
19 I do not believe it is in there. I go further.

20 I don't think that's a legal position, a legal  
21 condition to impose on the university to say, this property is  
22 outside the campus plan and you must do something with, or you  
23 must do this, or you must not do that. We don't have to decide  
24 the legality, because I don't think as a matter of fact, it was  
25 there. But we can both take a look at the 1985 one.

1                   The ladies from the Remington, Ms. Jarvis and I'm  
2                   sorry, Ms. Rubin.

3                   CHAIRPERSON MITTEN: Mollohan is the other.

4                   MR. BARBER: Mollohan, thank you. I'm sorry that  
5                   the university did not make a special presentation to them. I'm  
6                   also sorry that they did not attend the two ANC meetings, the  
7                   Foggy Bottom Association meeting. I'm sorry that they somehow  
8                   missed the voluminous meetings we had for the last two years on  
9                   the campus plan issues and the need to provide housing on campus  
10                  and that Square 43, even though at the time was outside of the  
11                  campus, the university made clear that that's where one site  
12                  that we wanted to do housing. I'm sorry they missed all those  
13                  meetings as well.

14                  Should we have gone and talked to them? Yes, we  
15                  should have made a special effort and I apologize for that. But  
16                  they missed a lot of community meetings. I've been to scores,  
17                  literally scores of meetings in the last two years where housing  
18                  was the discussion. I'm sorry they weren't there.

19                  They talked about the noise issue and I want to  
20                  address the noise issue. Square 43 once had townhouses. Mr.  
21                  Kreuzer's are very nice. Many of those that existed were not so  
22                  nice. Students lived in some of those townhouses. There were  
23                  absentee landlords, so the university for a long time did not  
24                  own those facilities.

25                  It was a thorn in our side because we would get

1 complaints about student misconduct and noise. And at that  
2 time, our code of conduct wouldn't allow us to go outside the  
3 campus plan, so we were kind of hamstrung until towards the end,  
4 we were able to acquire the properties.

5 We have felt, and I think the evidence will bear  
6 out, that we can control our students better in facilities that  
7 we own. Not only is design conducive to keeping noise in, as it  
8 will be, but the presence of residence advisors, the emphasis on  
9 the code of conduct an enforcing that in our residence halls, we  
10 think will alleviate any past noise problems.

11 I was asked to respond to the ANC conditions and  
12 I will. Before I do so, let me turn briefly to Columbia Plaza.

13 I have heard so many numbers about how many GW students. I've  
14 heard more students than there are residents there. Columbia  
15 Plaza, as we talked about at some length during the campus plan,  
16 the university owns a limited partnership in Columbia Plaza. It  
17 is largely an investment, but one of the arrangements we do have  
18 is that ? let me back up.

19 Students have been living in Columbia Plaza for a  
20 long time, prior to the university's acquisition of its 28.5  
21 percent limited partnership interest a couple of years ago. But  
22 there were complaints about student misconduct there as well.  
23 And on agreement with the management, we do not manage the  
24 property, but management complained to us about student  
25 behavior, so we agreed we would do a couple things. As units

1 became free, up to our 28.5 percent, we would suggest students  
2 who did not have any code of conduct violations, who we felt  
3 were decent students, to take those spaces.

4 The question was asked, how many students have  
5 you referred to Columbia Plaza, and I told you back in  
6 September, Ms. Mitten I'm not saying you, but the BZA, I believe  
7 the number was 244. There are undoubtedly other students who  
8 live there, because we can not control students that are not  
9 part of our program who have a right to go there and lease  
10 units.

11 It is not the large number that you've heard. Management can  
12 give you a definitive number, but is not the large number that  
13 you've heard.

14 Finally, Ms. Miller's talking about, well if you  
15 got 800 apartments in Columbia Plaza and you got 710 on 43,  
16 apartments versus beds. You have some 1,600 beds in Columbia  
17 Plaza versus the 700 beds projected for Square 43.

18 Finally, let me respond to the conditions one  
19 through five of the ANC resolution. The first one is, GW will  
20 present its overall plan for housing students to meet the  
21 required housing for full-time undergraduates, as well as  
22 academic facility plans within the current campus boundary as  
23 mandated by the GW Campus Plan 2000-2010.

24 The Order speaking to what is a specific housing  
25 requirement is not final. We have seen a draft. We have



1        responded to that draft, but it is not final. I can't tell you  
2        what the plan is until I see a final plan. It may change. It  
3        may not, but I have not seen that. We do know that there will  
4        be, we expect that there will be a strong requirement, a stiff  
5        requirement to have more beds on campus.

6                This proposal does that. It maximizes the number  
7        of attractive residences on these sites, because that is what we  
8        were told was the prime interest of the community. That was the  
9        prime interest of the BZA, and it's a very tough requirement  
10       that we've seen so far, both in the March order and in the  
11       proposed order on remand.

12               We're talking about 70 percent of on-campus  
13       housing for our full-time undergraduate students. Right now, we  
14       are at 50 percent. So it's a very tough requirement and we're  
15       trying to meet it. Now, we're not absolutely maximizing the  
16       number of beds. We could fit more beds, but in terms of proper  
17       design and attractive housing, apartment-style housing for  
18       affinity housing, we think we have tried to meet both needs, the  
19       number of beds but also an attractive setting.

20               GW will revisit and as closely as possible to its  
21       December, 1999 campus plan proposed to house 350 not 700  
22       students on Square 43. I've spoken to that, 350 was a proposal  
23       when it was outside the campus plan. We could have built that  
24       quickly. The BZA decided to include this within the campus  
25       plan. It allows for a bigger building.

1           At the same time, the BZA tells us, house more  
2 students on campus. So they bring a parcel that we said we're  
3 going to do housing, and which allows for a bigger building, and  
4 they say house more students. That's what we've tried to  
5 respond to.

6           Three, GW will revisit the design of dormitory  
7 housing on Square 57, and increase the density and number of  
8 beds accordingly, up to the maximum permitted under the  
9 prevailing zoning, so that any shortfall in the number of beds  
10 from Square 43 can be provided for in Square 57.

11           I've spoken to that. They want 43 to be bigger.  
12 They want ? I'm sorry, 43 to be smaller and 57 to be bigger.  
13 We think they're the right size for the sites, 43 is a bigger  
14 site. You have more space. It's more appropriate for  
15 apartment-style housing. Again we haven't done dormitory-style  
16 housing which would have gotten more beds, but wouldn't have  
17 been as attractive and would have been a bigger building.

18           The 57, to maximize that would have been an  
19 unattractive building. You would have had dormitories again.  
20 We think having 40-foot townhouses is an appropriate use of that  
21 more narrow site. So given our programmatic needs, and given  
22 the sites, we think both of those buildings reached appropriate  
23 balance.

24           Number 4, GW will pledge to retain the Foggy  
25 Bottom Historic District ambience by incorporating the original

1 Square 43 townhouse facade because they're up on the fronts of  
2 the Square 43 and 57 dormitory projects.

3 On Square 43, we don't think it makes any sense  
4 to have facades. Facades are kind of phoney. They're not there,  
5 let's not replicate something that's not there. What we've done  
6 instead though is put real townhouses, a little larger than you  
7 might find in Foggy Bottom, but not so large as to be out of  
8 place in other parts of the District of Columbia.

9 Real townhouses on 57, so we've maintained that  
10 lower scale on that side. That's where it's appropriate. It's  
11 a thinner, a more narrow strip of land. That's where those, not  
12 just for size, but real townhouses are appropriately located. I  
13 don't think they're appropriately located on the larger side,  
14 and just to have what somebody termed a facadectomy, and just  
15 have facades stuck on there. That's too phoney. We've gone one  
16 step further. We have real townhouses. Finally ?

17 MR. BASTIDA: Excuse me, Madam Chairman, we are  
18 experiencing technical difficulties. The applicant has only a  
19 minute and twenty seconds remaining.

20 CHAIRPERSON MITTEN: And he's got only one issue  
21 left.

22 MR. BARBER: Yes, they're asking for a dormitory  
23 on Square 56. We'll be talking about 56 next week. We think  
24 the space they're talking about and identified is really too  
25 small for housing. But we'll talk about 56 next week.

1 CHAIRPERSON MITTEN: Did you have anything?

2 MR. MOORE: Two minutes.

3 CHAIRPERSON MITTEN: That's fine, but you need to  
4 turn on your microphone.

5 MR. MOORE: Madam Chairperson, member of the  
6 commission, it's been a long hearing process. We thank you for  
7 your time and close attention to our presentation.

8 CHAIRPERSON MITTEN: Are you going into your  
9 closing now?

10 MR. MOORE: Yes.

11 CHAIRPERSON MITTEN: Okay, I'm sorry. I wanted at  
12 the end of your rebuttal, I wanted to see if you had any  
13 questions.

14 MR. MOORE: Oh, I'm sorry. Mr. Barber.

15 CHAIRPERSON MITTEN: I appreciate your eagerness.

16 MR. MOORE: All right.

17 CHAIRPERSON MITTEN: Any questions.

18 VICE CHAIRPERSON HOOD: Madam Chair, a quick  
19 clarification. Is this 700 or 710?

20 MR. BARBER: I apologize, it's 710. Well, let me  
21 get the architect to answer that. It's 710. Due to further  
22 design refinements, it's 710.

23 VICE CHAIRPERSON HOOD: Okay, thank you.

24 CHAIRPERSON MITTEN: I had something that is  
25 really not a question per se, but it's something I'd like you to

1 take a look at. It came up in the conversation or the testimony  
2 from Dr. Kreuzer, which relates to the design of the dormitory  
3 on Square 43. If you look at the area, maybe look on the ground  
4 floor plan, and I'm not asking for a response right now. I'm  
5 just asking for you to look at this.

6 If you look at the ground floor plan where the  
7 elevator lobby is with that curved wall, there's a small area  
8 that is created on the exterior. You would access that area by  
9 this pedestrian alley, and I'd like the architect in an  
10 additional submission to examine that area and its compliance  
11 with the court requirements, because it seems to be too small.

12 So let me just see if the ANC has any questions  
13 on cross-examination, further rebuttal.

14 MS. ELLIOT: I just wanted to know how much  
15 property you owned on Square 43 in 1985?

16 CHAIRPERSON MITTEN: That's not relevant to the  
17 application before us now. How is it relevant?

18 MS. ELLIOT: Well, Mr. Barber was responding to  
19 Mr. Hood's question about the questions about that square and  
20 regulations in 1985, and I just wondered how much, whether GW  
21 had an interest in that property.

22 CHAIRPERSON MITTEN: Can you answer that question  
23 Mr. Barber?

24 MR. BARBER: Not with specificity. We owned some  
25 property, not as much property as we own today.

1 MS. ELLIOT: Thank you.

2 CHAIRPERSON MITTEN: Dr. Kreuzer, any question?  
3 Thank you. Now we're reading for the closing, Mr. Moore.

4 MR. MOORE: Thank you. The university has tried  
5 very hard to put a strong case in for the record and to earn  
6 each of your votes to approve both of these applications for new  
7 dormitory facilities on Squares 53 and 47. This has been a  
8 deliberate and honest, but not an easy journey.

9 Even until today, despite enormous efforts on the  
10 part of the university, there are an active few who still insist  
11 that they are unpersuaded of the merits of these necessary  
12 projects. Please know that this result comes in spite of the  
13 university's continuing efforts to be forthcoming with  
14 information, responsive to the concerns of the neighborhood as a  
15 whole, and an active practitioner of community service.

16 What fairminded people have come to understand is  
17 both of these dormitories are planned on an unimproved lot, in a  
18 downtown high density zoned district, that both sites are not  
19 being used for any productive purpose, that both sites are owned  
20 by the George Washington University, but if they were in private  
21 hands, a high density residential facility with on-site parking  
22 could be developed to a height of 90 feet on both squares on a  
23 matter of right basis.

24 But for the university's affiliation with this  
25 project, this new facility would be a matter of right use.

1 Thus, there is no issue here with respect to the use of the  
2 property or to the bulk of either building.

3 Most importantly, there's no disagreement in any  
4 quarter that the university needs more campus housing for its  
5 8,000 full-time graduate students. The campus plan provides for  
6 it. The citizens have supported it and the BZA has requested  
7 it. So there's no suspense on campus housing. It's what it  
8 shall be. On-campus housing is what it shall be on these  
9 undeveloped parcels.

10 The BZA's order and the campus plan and the  
11 zoning regulations themselves take the use question off the  
12 table. A dormitory use on both of these squares is permitted,  
13 and in effect, ordered by the BZA. The heights of both  
14 structures are within regulatory guidelines. The bulk of both  
15 buildings is within the campus-wide limitation. There's expert  
16 testimony in the record, and from DPW that there will be no  
17 adverse impact on traffic or street parking.

18 So the matter before the commission is not  
19 whether the proposed dormitories could be or should be built on  
20 the vacant downtown parcels, but what is the best way that these  
21 facilities can be managed from this location. There is  
22 substantial and uncontroverted evidence in the record. For its  
23 part, the university has presented expert testimony and written  
24 evidence in the record demonstrating why each dormitory was  
25 designed the way it was on its site.

1           In other words, there are professional and  
2 functional reasons why the entrance, vehicular access, and  
3 loading facilities have been located where they are. Moreover,  
4 Lou Slade and Byron Wills, the university's parking managers,  
5 have provided assessments and reassessments of the university's  
6 parking inventory, and a discussion of the usage and operations  
7 of each dormitory in the context of the overall university off-  
8 street parking plan.

9           In each and every instance, the traffic experts  
10 have concluded that the construction and use of the new  
11 dormitories will not have an adverse impact to traffic,  
12 pedestrians, or neighboring property owners. The Department of  
13 Public Works does not dispute this conclusion, and has written  
14 letters, a letter to the record in each case, supporting  
15 approval of these applications.

16           A supporting letter and testimony from the Office  
17 of Planning is also in the record. The applications for the  
18 dormitories on Square 43 and 57 are separate, but each of them  
19 has substantial merit with respect to the both the zoning  
20 regulations, the comprehensive plan, and the approved campus  
21 plan.

22           So these are the facts. These are the reasons,  
23 and these are the public policies on which the university  
24 submits that it has met its burden of proof, that it is entitled  
25 to the special exception relief that is requested for both



1 dormitory facilities. These applications represent a critical  
2 step in the university's honest effort to meet the on-campus  
3 housing requirements that was imposed by the Board of Zoning  
4 Adjustment in the approved campus plan.

5 You can't have it both ways. There has got to be  
6 more housing on the campus, as the BZA has directed. This is a  
7 step in that direction. We would ask the board to consider  
8 these new dormitories. The applications must be complete, but  
9 please don't bog us down. The university needs to move forward  
10 and it needs forward quickly, particularly in view of the time  
11 frame that has been outlined for us, or directed us by the Board  
12 of Zoning Adjustment.

13 We ask that this commission act quickly and  
14 responsibly to bring about a complete project that is consistent  
15 with the campus plan and consistent with the BZA's order to  
16 produce more housing on an on-campus basis. We thank you for  
17 your time. This concludes our case.

18 CHAIRPERSON MITTEN: Thank you, Mr. Moore. Let's  
19 talk about additional submissions and the timing. The most  
20 important thing that we want to be sure we leave the record open  
21 for, in terms of the amount of time, is the additional time that  
22 the ANC requested to respond to the Office of Planning Report  
23 and the applicant's submission. A date of January 1<sup>st</sup> was  
24 requested, and Mr. Bastida, I think we can work with January 2<sup>nd</sup>  
25 and still get these cases on our agenda for January, is that

1 correct?

2 MR. BASTIDA: Yes, that is correct, Madam  
3 Chairman.

4 CHAIRPERSON MITTEN: So, can you break down the  
5 dates for me, if we used January 2<sup>nd</sup> as the date for additional  
6 submissions. What would the date for responses be?

7 MR. BASTIDA: The ANC would have to serve their  
8 submission to the university by 12:00 noon on Wednesday, January  
9 2<sup>nd</sup>. The university has until Monday, January 7<sup>th</sup>, 12:00 noon to  
10 respond to the submission by the ANC. The ANC and the applicant  
11 has until January 7<sup>th</sup>, Monday, 12:00 noon to present finding of  
12 facts and conclusion of law, if they want that into the record.

13 I mean if they want to provide that and have the case be  
14 considered on Monday, January 14<sup>th</sup>.

15 CHAIRPERSON MITTEN: We're ? the only ?

16 MR. BASTIDA: As I said, series of other ? I'm  
17 sorry. Go ahead.

18 CHAIRPERSON MITTEN: That's right. There are other  
19 things and it's not just about the university responding to the  
20 ANC submission. It's going to be a variety of parties  
21 responding to each other's submissions. So I think maybe we  
22 need to think about this again.

23 MR. BASTIDA: No, I have taken that into account.

24 I would like to go through the list to make sure that I have  
25 the correct list.

1 CHAIRPERSON MITTEN: Okay.

2 MR. BASTIDA: That way, I was just trying to do  
3 that. The first item that I have that encompasses everything  
4 is, the university has to provide in one document, addressing  
5 the Condition 19 of Page 17 of the order, which is all the items  
6 that Mr. May has requested to be provided, which includes the  
7 contextual design of the building into the rest of the area.

8 Also the record would remain open for Ms. Miller  
9 to submit the stamped request for party status. Also, the  
10 university would have to provide the concern of Ms. Miller on  
11 the court issue, if it is valid as a court or it requires  
12 further deviation from the zoning regulation.

13 CHAIRPERSON MITTEN: You mean Mitten, not Miller.

14 MR. BASTIDA: I'm sorry, Ms. Mitten. I was going  
15 to suggest that the two submission by the university would be  
16 submitted for the record by December 21<sup>st</sup> at the latest, or I  
17 was going to ask the university if they are willing and ready to  
18 submit it by the 17<sup>th</sup>. Since you already addressed some of the  
19 items, and you need to address it for next Thursday's hearing,  
20 because it's not on that submission either, you would have it  
21 ready.

22 So if you submit it by the 13<sup>th</sup>, and you submit it  
23 to the ANC, the ANC will have enough time to address those  
24 issues on the 2<sup>nd</sup> and then you would have until the 7<sup>th</sup> to  
25 address the issues of the ANC.

1 MR. MOORE: I'm getting confused here.

2 CHAIRPERSON MITTEN: I'm glad, because I am too.

3 MR. BARBER: I'm with you.

4 CHAIRPERSON MITTEN: That's scary.

5 MR. BARBER: Condition 19 and the contextual  
6 design, you want that ?

7 MR. BASTIDA: That includes that. That's included  
8 on those items.

9 MR. BARBER: Okay.

10 MR. BASTIDA: That is the whole parameter that you  
11 need also address for next Thursday's hearing which is not on  
12 the record.

13 MR. BARBER: Right.

14 MR. BASTIDA: In addition to that, you have to  
15 address the concern of Ms. Mitten regarding the court area to  
16 see if that is, in fact, a valid court or a further deviation  
17 for the zoning regulations would have to be considered by this  
18 commission.

19 MR. BARBER: Right.

20 MR. MOORE: Okay.

21 MR. BASTIDA: All of that would be submitted on  
22 the 13<sup>th</sup> and would be submitted to the ANC. The ANC will have  
23 the same timetable of the 2<sup>nd</sup> of January.

24 CHAIRPERSON MITTEN: It will be served on the  
25 parties, since we have ?

1 MR. BASTIDA: We only have one party. I'm sorry,  
2 we have two parties, on both parties. So, thank you for  
3 correcting me. So Dr. Kreuzer and the ANC would have until  
4 January the 2<sup>nd</sup>, 12:00 noon, to submit comments on the  
5 submittal.

6 The university will have until Monday, January  
7 7<sup>th</sup>, 12:00 noon, to respond to it. All the parties will need to  
8 provide their finding of facts and conclusion of law by January  
9 7<sup>th</sup> at 12:00 noon.

10 MR. MOORE: Got it.

11 CHAIRPERSON MITTEN: And I'll repeat that in my  
12 closing. But, don't worry. A couple more things. We need  
13 evidence of posting.

14 MR. BASTIDA: Oh, that's right.

15 CHAIRPERSON MITTEN: Maintenance of posting,  
16 whatever it's called. And, we'd like to have all the photos  
17 that are on the boards submitted for the record. We need a new  
18 drawing ZS-12 for the 43, and we need the technical appendix for  
19 the traffic study.

20 MR. MOORE: That's by the 13<sup>th</sup>?

21 CHAIRPERSON MITTEN: Yes.

22 MR. BASTIDA: Right. You need also to submit the  
23 letter of the Commission of Fine Arts as soon as it's available.

24 VICE CHAIRPERSON HOOD: Madam Chair, also I wanted  
25 to see if I could get that 1985 order. I don't know whether ?

1 okay, also the 1985 order, BZA Order.

2 MR. MOORE: I've got it.

3 MR. BASTIDA: And the Commission of Fine Arts  
4 letter. When will the Commission of Fine Arts letter be  
5 available?

6 MR. MOORE: We're going to present it for  
7 conceptual review next Thursday, but it won't go for permit  
8 review until it meets the third week in January.

9 MR. BASTIDA: So the conceptual review will not be  
10 completed until after the 14<sup>th</sup> of January?

11 MR. MOORE: No, the conceptual review occurs next  
12 Thursday. We'll be filing it tomorrow. The permit review,  
13 which pretty much follows the conceptual review won't be until  
14 January.

15 MR. BASTIDA: The tradition of the commission has  
16 been to accept into the record the Commission of Fine Arts  
17 conceptual review.

18 MR. MOORE: Okay.

19 MR. BASTIDA: And make that determination that, in  
20 fact, the drawing comply with that. It's not that the  
21 commission is guided by that. Since the Commission of Fine Arts  
22 is advisory to the Zoning Commission.

23 MR. MOORE: Okay.

24 CHAIRPERSON MITTEN: Okay. My fellow  
25 commissioners don't want me to repeat the dates. So if anyone's

1       unclear, call Mr. Bastida, 727-0330. Yes.

2               MR. MOORE: One question on the submission, in a  
3       particular submission. Mr. May, this really goes to your issue,  
4       the contextual design. We'd like to present that through aerial  
5       photographs, rather than doing a sectional.

6               COMMISSIONER MAY: Anything that shows the  
7       context, but an aerial photo will not show ? I mean I have an  
8       aerial photo right there and it's not telling me anything about  
9       heights of buildings. Photographs would be fine. Photographs  
10      of the site. Panoramic photographs would be fine.

11              CHAIRPERSON MITTEN: That nice thing that Mr.  
12      Goldfarb did was helpful.

13              MR. MOORE: Okay. We got the idea.

14              CHAIRPERSON MITTEN: Are we all clear?

15              MR. MOORE: Yes, thank you.

16              CHAIRPERSON MITTEN: All right. I would like to  
17      thank everyone for their participation in this hearing, and the  
18      current schedule will put this on the calendar for our January  
19      public meeting. But to ascertain whether in fact we achieve  
20      that, or if you'd like to follow this case further, please  
21      contact staff to determine the progress of the case. I declare  
22      this public hearing closed.

23              (Whereupon, the above-entitled matter was  
24      concluded.)

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13